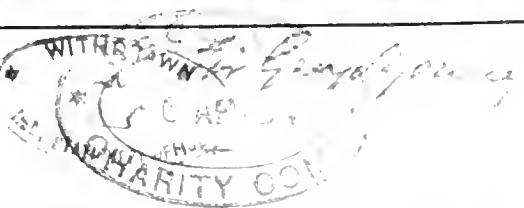


In the Privy Council.



In the Matter of THE FUNDS APPLICABLE TO THE INTERMEDIATE AND TECHNICAL EDUCATION OF THE INHABITANTS OF THE COUNTY BOROUGH OF SWANSEA.

In the Matter of THE FREE GRAMMAR SCHOOL IN SWANSEA, founded in 1682 by HUGH GORE, D.D., Lord Bishop of Waterford and Lismore, and further endowed by the CORPORATION OF SWANSEA, regulated by a scheme of the Court of Chancery of the 5th July, 1850.

In the Matter of THE WELSH INTERMEDIATE EDUCATION ACT, 1889.

In the Matter of THE LOCAL TAXATION (CUSTOMS AND EXCISE ACT, 1890.

AND

In the Matter of THE ENDOWED SCHOOLS ACT, 1869, and Amending Acts.

APPELLANTS' AND RESPONDENTS' CASES, AND APPENDIX.

EDWARD T. TURNER,

101, Leadenhall Street, E.C.,

Agent for—

CHARLES NORTON,

of Swansea,

Solicitor for the Petitioners.

FARRER & CO.,

66, Lincoln's Inn Fields, W.C.,

Solicitors for the Respondents.

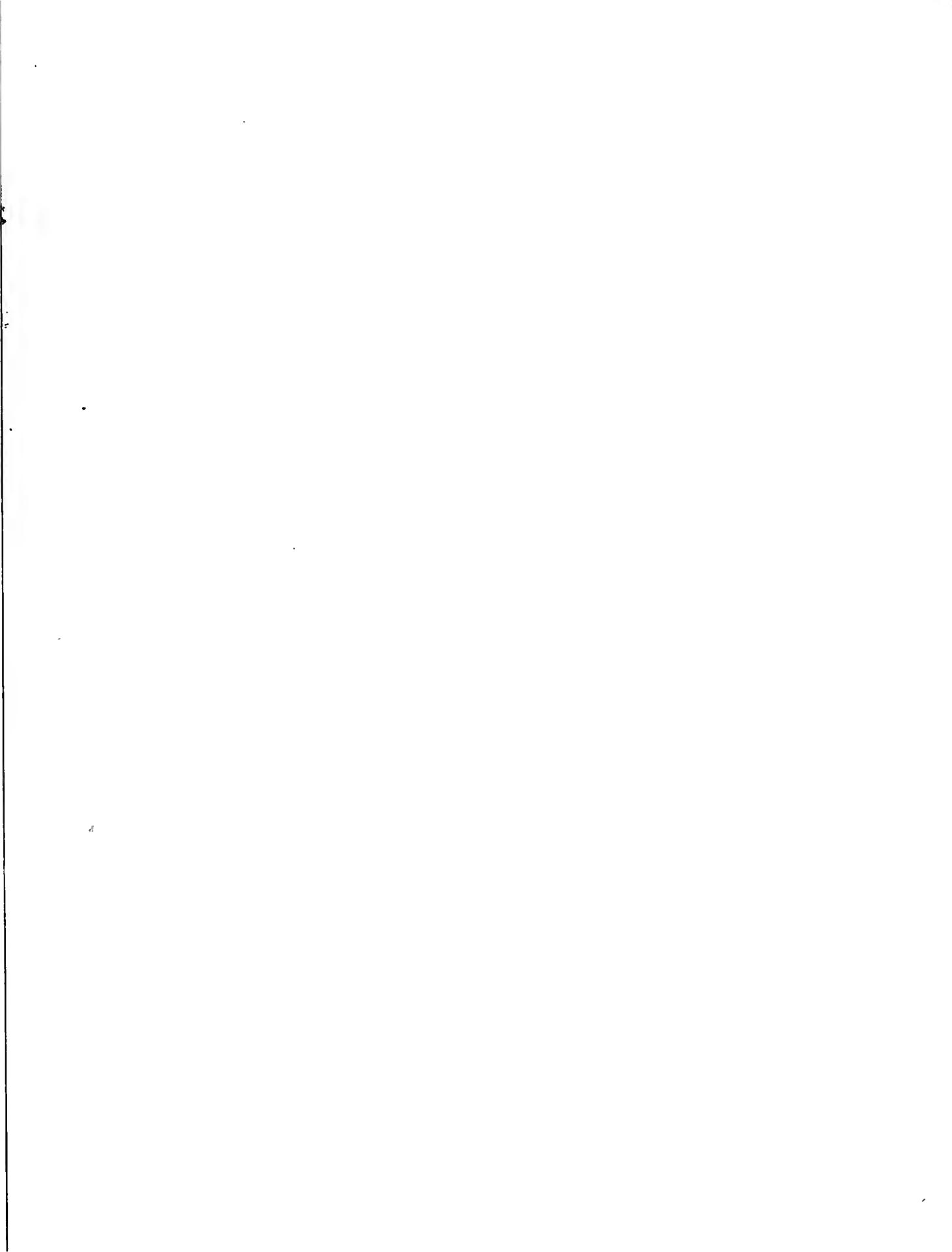
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In the Privy Council.

In the Matter of THE FUNDS APPLICABLE TO THE INTERMEDIATE AND TECHNICAL EDUCATION OF THE INHABITANTS OF THE COUNTY BOROUGH OF SWANSEA.

In the Matter of THE FREE GRAMMAR SCHOOL IN SWANSEA founded in 1682 by HUGH GORE, D.D., Lord Bishop of Waterford and Lismore, and further endowed by the CORPORATION OF SWANSEA, regulated by a scheme of the Court of Chancery of the 5th July, 1850.

In the Matter of "THE WELSH INTERMEDIATE EDUCATION ACT, 1889,"

In the Matter of "THE LOCAL TAXATION (CUSTOMS AND EXCISE) ACT, 1890,"

AND

In the Matter of "THE ENDOWED SCHOOLS ACT, 1869," and Amending Acts.

CASE OF THE PETITIONERS.

1. The Petitioners are the governing body of the Free Grammar School App., p. 56. in Swansea and are the Right Honourable Henry Hussey, Baron Swansea, formerly Sir Henry Hussey Vivian, of Singleton Abbey, Swansea, Baronet, M.P.; John Crow Richardson, of Glanbrydan Park, Manordeilo, Carmarthenshire, Esquire; Sir John Jones Jenkins, of the Grange, Swansea, Knight; Edward Rice Daniel, of Cwmgelly, Swansea, Esquire; John Richardson

Franeis, of Llwynderw, Swansea, Esquire; Colonel William Llewellyn Morgan, of Brynbrialli, Swansea; the Reverend Canon George Gauntlett, of Pershore, Worcester; William Walters, of Penlan, Swansea, Esquire; Thomas Drysllwyn Griffiths, of Drysllwyn, Swansea, Physician; John Powell, of Wannarlwedd House, Swansea, Esquire; and Charles Henry Glaseodine, of Cae Pare, Swansea, Esquire, Barrister-at-Law.

App., pp. 6-11. 2. In the year 1682 the Right Reverend Father in God, Hugh, Lord Bishop of Waterford and Lismore, in the Kingdom of Ireland, erected and endowed a Free Grammar School and Schoolhouse within the town and parish of Swansea, in the county of Glamorgan, upon the ground of Bussy Mansel, of 10 Britton-ferry, in the county of Glamorgan, Esquire, situate in Goat Street, in the said town of Swansea, for the bringing up and education of twenty of the children of the poorer sort of the burgesses or that were the burgesses of the said town and corporation of Swansea, and in default of burgesses the sons of the poorer sort of inhabitants or that were the inhabitants of the said town in virtue and good literature.

App., pp. 6 and 7. 3. The said Hugh, Lord Bishop of Waterford and Lismore, by certain deeds indented purporting a lease and release, the one bearing date the 13th day and the other the 14th day of September in the four and thirtieth year of the reign of Charles the Second, made between the said Lord Bishop of the one 20 part, and the said Bussy Mansel of the other part, conveyed to the said Bussey Mansel, his heirs and assigns, lands of good value by the year, situate in the parish of Llandevodwg, in the said county of Glamorgan, known by the name of Abber Cwn y Vach, Blaen Cwm y Vach, Maes Cwm y Vach Kae Pickae, Kae Eithinog, Craig Ruberveth, with all commons and wastes thereunto belonging upon the special trust and confidence that the said Bussy Mansel, his heirs and assigns, would from time to time for ever nominate and appoint one discreet and well learned man to supply the room of schoolmaster of the said Free Grammar School in the said town of Swansea, to instruct in the Greek and Latin tongues the said twenty children, and in case the schoolmaster's place 30 should fall void during the infancy of the heir-at-law of the said Bussy Mansel, that the Bishop of St. David's for the time being should appoint the same, and upon trust and confidence that the said Bussy Mansel, his heirs and assigns, should and would suffer the schoolmasters of the said Free School successively to take and receive for their own use the profits of the said lands for their salary, as by the said indentures it more at large appears.

App., p. 56. 4. The said Hugh, Lord Bishop of Waterford and Lismore died in the month of March, 1691.

App., pp. 15, 16 18. 5. By the regulations made by the said Hugh, Lord Bishop of Waterford and Lismore, or under his authority in his lifetime, or within fifty years after his 40 death, the scholars to be educated by the said endowment were instructed according to the doctrines of the Church of England, and such scholars have continued to be so instructed until the present time.

App., p. 40.

App., p. 49.

App., p. 52.



6. By an Order dated the 5th July, 1850, made by the Vice-Chancellor ^{App., p. 12.} Knight Bruce in the matter of the Swansea Free Grammar School, and in the matter of the Statute 3 and 4 Vic., c. 77, a certain scheme therein mentioned as having been settled and approved by the Master for the administration of the said charity was sanctioned and was directed to be carried into effect.

7. By the said scheme certain rights are given to the person who shall ^{App., p. 13.} for the time being be the heir-at-law of Bussy Mansel, to appoint feoffees of the said charity lands and trustees for the purposes of the said charity, and also to the office of Master of the said Grammar School.

10 8. By clause 14 of the said scheme it is provided that there shall be a ^{App., p. 15.} uniform system of education in the school, which shall consist of instruction in Latin, Greek, and English Grammar, reading, writing and arithmetic, and such other subjects of learning as the said trustees with the advice of the heir-at-law of Bussy Mansel, if of full age, shall from time to time direct, and the Master shall read daily in the School some appropriate prayers from the Liturgy, accompanied by the reading of a suitable portion of the Holy Scriptures, and in the case of children of the members of the Established Church he shall take care that they are well versed in the Church Catechism, but care shall be taken to respect the religious scruples of the children of parents not of the 20 Established Church.

9. In or about the year 1850 it was found necessary to erect a new school ^{App., p. 55.} house, but the site of the old school house, in Goat Street, Swansea, was not suitable, and consequently on or about the 24th day of May, 1851, the feoffees took a lease of a piece of ground at Belle Vue, near Swansea, on which they erected and fitted up the present school house, and on or about the 29th day of February, 1868, they acquired the fee simple of the said piece of ground.

10. The outlay on the said school was considerable, and part thereof, ^{App., p. 55.} amounting to the sum of £1527, was defrayed by subscriptions of persons living in the neighbourhood, received between the month of January, 1851, 30 and the month of June, 1860. The said subscriptions, so applied in building the said school house, form part of the present endowment of the said Free Grammar School.

11. Between the month of August, 1872, and the month of December, 1876, the further sum of £1013 was raised by subscriptions and applied in converting the crypt under the dining hall of the said Free Grammar School into a chapel. The said chapel was completed in or about the month of December, 1874, and has since been continuously used for divine service according to the rites of the Church of England by the Head Master, who holds the license of the Bishop of the Diocese to perform such service.

40 12. A further part of the endowment of the said Free Grammar School ^{App., p. 55.} consists of a sum of £20 a year as an addition to the salary of the Master of

the said school, and secured by the bond dated the 9th day of March, 1848, under the Seal of the Corporation of Swansea. The said allowance was first made by the said Corporation in or about the year 1828.

App., pp. 39
and 55.

13. The present income of the trust estate belonging to the said school amounts to the sum of £800 a year or thereabouts, but it is anticipated that such income may hereafter be largely increased by the developments of the trust estate.

App., p. 18.

14. In or about the month of March, 1892, a draft scheme was framed, printed, and published by the Commissioners appointed under "The Endowed Schools Act, 1869" (hereinafter referred to as "the Commissioners"), for the 10 administration of the funds applicable to the intermediate and technical education of the inhabitants of the County Borough of Swansea under "The Welsh Intermediate Education Act, 1889," and "The Local Taxation Act, 1890," and of the Free Grammar School in Swansea.

App., p. 3.

15. The Petitioners, on the 6th day of May, 1892, being within three months after the first publication of the said draft scheme by the Commissioners, sent in the following objections and suggestions relating to the said draft scheme, namely:—

- “ 1. That the endowments of the grammar school ought not to be used for “ the purpose of such scheme and thus to be diverted to the purposes of 20 “ an intermediate or technical school from those of a grammar school “ for boys, to which they are at present appropriated.
- “ 2. That the use of the Liturgy of the Church of England in the daily “ prayers and the teaching of the Church Catechism has hitherto been an “ essential part of the system of education pursued at the school, founded “ as it was by a Bishop of the Church, and that under 'The Welsh “ Intermediate Education Act, 1889,' the teaching of the Church “ Catechism to day scholars in an intermediate school is illegal, and is, “ in fact, prohibited by the proposed scheme. The inclusion of the “ grammar school in the scheme would therefore prevent day scholars 30 “ belonging to the Church of England from obtaining instruction in the “ doctrines of their own church.”

The governing body further submitted the following objections in matters of detail:—

- “ 1. Provision should be made for the appointment of a larger number of “ governors than two, by the visitors and feoffees, and vacancies in their “ number should be supplied by themselves and not by the general body “ of governors.
- “ 2. The proposed governing body is too large to work smoothly and well. “ So large a proportion as is proposed ought not to be appointed by the 40 “ Corporation of Swansea.



A

“3. The endowment of the grammar school, appropriated as it was by
“the founder to the education of boys, ought not to be used for the
“establishment and maintenance of a school for girls.

“4. The head master should always be a graduate of some university in the
“United Kingdom.

“5. The lowest age at which a scholar may be admitted should be eight
“years and not ten.

“6. The religious instruction should be in the Christian faith, and not “in
“accordance with the principles of the Christian faith,” as proposed.

10 “7. Instruction in drawing and vocal music should be discretionary and not
“compulsory as proposed.

“8. The instruction ought to be on a uniform system in accordance with the
“wishes of the founder; and the system and subjects of instruction
“ought to be in the discretion of the head master and not of the
“governing body.

“9. The rights and powers of the present visitors ought to be maintained.

“10. The head master ought not to be capable of dismissal ‘without assign-
“ing cause.’

“11. If the resources of the school permit, exhibitions of at least £50 a
20 “a year should be given.”

16. All the aforesaid objections and suggestions were rejected by the Commissioners with the exception of paragraphs (1) and (5) in the above objections or suggestions in matters of detail which were included in the final draft scheme approved by the Commissioners on the 4th November, 1892.

App., p. 18.

17. The said final draft scheme was subsequently submitted to the Committee of Council on Education, which council approved of the said scheme, and published and circulated the same as provided by the said Act.

18. Emily Charlotte Talbot, of Margam, in the county of Glamorgan, App., pp. 12
Spinster; Bertha Isabella, the wife of John Fletcher, Esquire, of Salton, in the
30 county of Haddington, and Olivia Emma Talbot, of Margam aforesaid, Spinster,
are the heiresses-at-law at the present time of the said Bussy Mansel, and they
object to the said scheme, and the said Emily Charlotte Talbot is prepared
largely to endow scholarships for the said Free Grammar School, if Her Majesty
withholds her approval from the said scheme.

19. The said Free Grammar School has hitherto been used and has been of App., p. 50.
great service for the classical and mathematical education of the sons of the
middle class, and has been the means of enabling a great many to obtain
exhibitions and scholarships at the universities, and to enter professions
which otherwise they could not have done. The school board for Swansea

provides a higher grade school, which renders unnecessary any interference with the said Free Grammar School.

20. The Petitioners feel aggrieved by the said scheme on the following grounds:—

GROUNDS OF OBJECTION.

1. Because the said scheme is not made in conformity with "The Endowed Schools Act, 1869," whereby nothing in the said Act shall authorise the making of any scheme interfering with any endowment, or part of an endowment, originally given to charitable uses or to such uses as are referred to in the said Act less than fifty years before the commencement of the said Act, unless the governing body of such endowment assent to the scheme, and because the said scheme does interfere with part of the endowment originally given for the purposes of the said Free Grammar School less than fifty years before the commencement of the said Act, and the assent to the said scheme of the governing body of such endowment has not been obtained.
2. Because the said Free Grammar School in Swansea is excepted by section 19 of "The Endowed Schools Act, 1869," from the provisions therein contained, respecting religious instruction and the attendance at religious worship, and that the said scheme does not make provision respecting the religious instruction or attendance at religious worship of the scholars, and respecting the religious opinions of the governing body or masters.
3. Because the said scheme contains no provision for saving, and makes no compensation for the vested interests of the persons for the time being heirs-at-law of the said Bussy Mansel.
4. Because the said scheme has not due regard for the religious and other educational interests of the scholars, to which regard is required to be had by the said Act.
5. Because the said Emily Charlotte Talbot, Bertha Isabella Fletcher and Olivia Emma Talbot, the heiresses-at-law at the present time of the said Bussy Mansel, object to the said scheme, and the said Emily Charlotte Talbot is



prepared largely to endow scholarships for the said Free Grammar School if Her Majesty withholds her approval from the said scheme.

6. Because the said scheme is not in other respects made in conformity with "The Endowed Schools Act, 1869."

ARTHUR R. INGPEN.

In the Privy Council.

Re SWANSEA FREE GRAMMAR
SCHOOL

AND

“THE WELSH INTERMEDIATE
EDUCATION ACT, 1889,”

AND

“THE LOCAL TAXATION (Customs and
Excise) ACT, 1890,”

AND

“THE ENDOWED SCHOOLS ACT, 1869,”
and Amending Acts.

Case

OF THE PETITIONERS.

EDWARD T. TURNER,

101, Leadenhall Street, E.C.





In the Privy Council.

IN THE MATTER OF THE FUNDS applicable to the Intermediate and Technical Education of the Inhabitants of the County Borough of Swansea.

IN THE MATTER OF THE FREE GRAMMAR SCHOOL in Swansea, founded in 1682 by Hugh Gore, D.D., Lord Bishop of Waterford and Lismore, and further endowed by the Corporation of Swansea, regulated by a Scheme of the Court of Chancery of the 5th July, 1850.

10 IN THE MATTER OF THE WELSH INTERMEDIATE EDUCATION ACT, 1889.

IN THE MATTER OF THE LOCAL TAXATION (CUSTOMS AND EXCISE) ACT, 1890, and

IN THE MATTER OF THE ENDOWED SCHOOLS ACT, 1869, AND AMENDING ACTS.

THE CASE OF THE RESPONDENTS

THE CHARITY COMMISSIONERS FOR ENGLAND AND WALES.

1. This is an Appeal by the Trustees of the Swansea Free Grammar School against a Scheme framed by the Charity Commissioners under the 20 provisions of the Welsh Intermediate Education Act, 1889, for the intermediate and technical education of the inhabitants of the county borough of Swansea. The said Scheme, which was duly approved by the Committee of Council on Education on 1st March, 1893, is set out in the Appendix.

2. By the Welsh Intermediate Education Act, 1889 (hereinafter called the Act of 1889), a Joint Education Committee, constituted under the Act for each administrative county in Wales and Monmouthshire, is required (section 3, sub-sections 1, 3, and 7) to submit to the Charity Commissioners a scheme or proposals for a scheme for the intermediate and technical education of the inhabitants of such county, specifying the educational endowments within the 30 county which in their opinion ought to be used for the purposes of the scheme. The scheme or proposals may also (sub-section 2) include by recommendation of the County Council a payment out of the county rate and any sum received by the Council under the provisions of the Local Taxation (Customs and Excise) Act, 1890 (53 and 54 Victoria, section 1, sub-sections 1 and 4).

3. "Intermediate education" and "technical education" are defined by section 17 of the Act of 1889, where the subjects of instruction are specified, as is also done by section 69 of the present Scheme.

[a 397]

Scheme :
Appendix, p. 18.
Welsh Intermediate Education Act, 1889 :
Appendix, p. 85.

4. The Commissioners, on receiving proposals for a scheme from the Joint Education Committee, are bound to prepare a scheme for carrying them into effect, and if the Commissioners approve the scheme so prepared, the same procedure is followed as with respect to a draft scheme of the Commissioners under the Endowed Schools Acts, 1869, 1873, and 1874, and the scheme, after being printed and circulated, and after the consideration of objections and suggestions, is submitted for the approval of the Committee of Council.

5. By section 4, sub-section (3) of the Act of 1889, every scheme under that Act which does not relate to an endowment within the exception of section 19 of the Endowed Schools Act, 1869, is to provide (among other things) that no religious catechism or religious formulary distinctive of a particular denomination shall be taught to any day scholar, and by section 14 nothing in the Endowed Schools Acts which is inconsistent with any of the provisions of the Act of 1889 is to apply to a scheme under the last-mentioned Act, but so far as consistent the powers of the Endowed Schools Acts are to be additional to those given by the Act of 1889, and that Act is (section 1) to be construed as one with the Endowed Schools Acts.

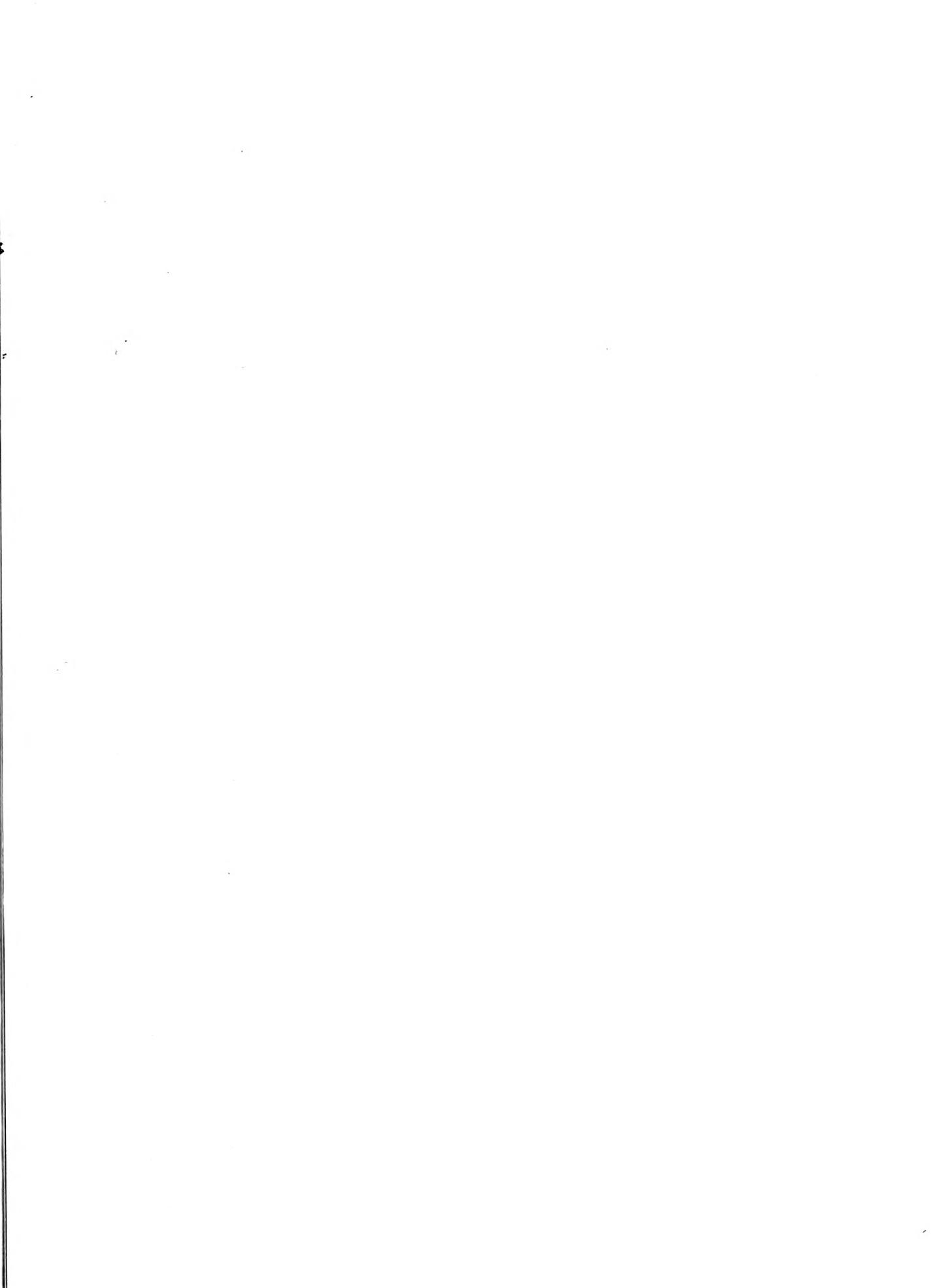
6. The Scheme under appeal is framed to carry into effect proposals submitted to the Commissioners by the Joint Education Committee for the county borough of Swansea, in which proposals for a Scheme the endowments 20 of the Swansea Free Grammar School were specified as endowments which in the opinion of the Joint Education Committee ought to be used for the purpose of such Scheme. These endowments consist of (1) a farm and land (with minerals) at Aber, in the county of Glamorgan; (2) the site of the original school-house premises at Goat Street, Swansea; (3) the present school buildings, master's house, &c., in Swansea, acquired under the provisions of the Chancery Scheme made in 1850, as hereinafter mentioned; and (4) £20 per annum payable by the Corporation of Swansea, being the amount annually granted to the school before the Municipal Corporation Act.

7. By an indenture of release (grounded on a lease for a year) dated 30 the 14th September, 1682, and made between Hugh, Bishop of Waterford and Lismore in Ireland, of the one part, and Bussy Mansell, of Britton Ferry, in the county of Glamorgan, Esquire, of the other part, after reciting that the said Bishop of Waterford and Lismore, for the love he bore to the corporation, town, and borough of Swansea, and to the burgesses and inhabitants thereof, intended to erect a Free Grammar School within the said corporation, town, and borough for the bringing up and educating of a certain number of the children and youths of the said corporation, town, and borough, sons of the poorer sort of the burgesses, or that were the burgesses, and in default of burgesses, sons of the inhabitants, or that were the inhabitants of the said corporation, town, and borough, in virtue and good literature, the said Bishop of Waterford and Lismore conveyed to the said Bussy Mansell and his heirs and assigns (subject to a perpetual rent of 5s. to the said Bishop, his heirs and assigns) the said farm and lands called Aber, with the appurtenances Upon special trust and confidence that the said Bussy Mansell, his heirs and assigns, would nominate and appoint in writing under his and their hands and seals one discreet and well-learned man to supply the room of schoolmaster of the said

Endowed Schools
Act, 1869,
sections 32-40;
Appendix, p. 68.
Endowed Schools
Act, 1873 :
Appendix, p. 75.
Endowed Schools
Act, 1874 :
Appendix, p. 82.

Affidavit of
Daniel Robert
Fearon :
Appendix, p. 58.

Release :
Appendix, p. 7.



Free Grammar School in the said town and borough of Swansea, to instruct in the Latin and Greek tongues, without reward other than what was thereafter provided, twenty poor children and youths, sons of the poorer sort of the burgesses, or that were the burgesses of the said corporation and borough, and in case the said corporation should happen to be dissolved and to cease, then to instruct as aforesaid twenty poor children and youths, sons of the poorer sort of the inhabitants, or that were the inhabitants of the said town, to be from time to time elected, nominated, and appointed by the said Bussy Mansell, his heirs and assigns, for ever. And it was thereby provided that the said Bussy

10 Mansell, his heirs and assigns, might upon each vacancy of the said schoolmaster's office nominate a discreet and learned man to supply the vacancy. And upon further trust to let the said lands and premises as therein mentioned at the best rent, and to permit the said schoolmasters successively to receive the said rent for their salary, and it was provided that no child should be admitted to the school but such as should be of the age of eight years and upwards, and should be able to read English properly.

8. The said Bussy Mansell, by an indenture dated the 10th day of December, 1682, made between himself of the one part, and Thomas Phillips (Portreeve of the said corporation and town and borough) and eleven others therein mentioned, seven of whom are described as aldermen, of the other part, after reciting that the said Bishop of Waterford and Lismore had erected a Free Grammar School and school-house within the town and parish of Swansea, in the county of Glamorgan, upon the ground of the said Bussy Mansell, situate in Goat Street in the said town of Swansea, for the bringing up and education of twenty scholars as aforesaid in virtue and good literature, granted to the said Thomas Phillips and others, their heirs and assigns, for ever All that school and school-house and the court and outlet thereto belonging, together with three small gardens behind the school-house, and a cottage, all situate in Goat Street in the said town of Swansea To hold to the use of the said feoffees, their heirs and assigns (subject to a yearly rent-charge of twelve pence to the said Bussy Mansell, his heirs and assigns) Upon trust to permit the schoolmaster for the time being nominated and appointed by the said Bussy Mansell, his heirs and assigns, to hold and quietly enjoy for his own use for the purposes aforesaid the said Free Grammar School and school-house, court, and outlet, gardens and cottage, with the appurtenances, during such time as he should continue schoolmaster of the said Free Grammar School, and it was thereby agreed that the then or any succeeding feoffees, when six of their number were deceased, would, upon the request of the said Bussy Mansell, his heirs and assigns, convey the said school, school house, and premises to such twelve persons and their heirs, being either burgesses or (the corporation being dissolved) inhabitants of the said town as he or they should appoint upon the charitable trusts and subject to the reservations before mentioned.

9. By an Order of the High Court of Chancery dated 5th July, 1850, made in the matter of the said Swansea Free Grammar School, and of the Grammar Schools Act, 3 and 4 Victoria, chapter 77, a Scheme (settled by the Master) for the regulation of the school and its endowments was confirmed and

Feoffiment :
Appendix, p. 9.

Order of 5th July,
1850 :
Appendix, p. 12.
Scheme of 1850 :
Appendix, p. 13.

ordered to be carried into effect, and the school has been ever since the date of the said Order, and was at the passing of the said Act of 1889, carried on under and in conformity with the Scheme. By clauses 12 and 13 of the said Scheme of 1850 it was provided that the school should be open to the sons of all inhabitants of the borough of Swansea, but a preferential right of admission, free of charge, was reserved to twenty sons of the poorer freemen or burgesses of Swansea. By section 19 the heir-at-law of Bussy Mansell, if of full age, was to appoint the schoolmaster.

10. By clause 14, after stating the general system of instruction, it was provided as follows:—“The master shall read daily in the school some 10 “appropriate prayers from the Liturgy, accompanied by the reading of a “suitable portion of the Holy Scriptures, and in the case of children of the “members of the Established Church he shall take care that they are well “versed in the Church Catechism, but care shall be taken to respect the religious “scruples of the children of parents not of the Established Church.”

Appendix, p. 18.

Scheme :
Appendix, p. 18.

11. Certain byelaws or regulations, dated 18th August, 1862, were made by the trustees acting under the said Scheme, the 8th bylaw providing for the exemption of any scholar from learning the Church Catechism upon the request in writing of his parents or guardians.

12. By the Scheme now appealed from, the income of the school 20 endowments, together with the sums to be provided by the Council of the borough under section 3, sub-section (2) of the Act of 1889, and under the Local Taxation (Customs and Excise) Act, 1890, and the Treasury grant payable under section 9 of the Act of 1889, are to be applied in maintaining in the grammar school buildings, enlarged for this purpose, a day-school of intermediate and technical education for not less than 200 boys (section 45), and also a day-school for girls under a new governing body who will appoint the head master. The Scheme (sections 68, 69) makes provision for religious instruction and religious exemptions in accordance with section 15 of the Endowed Schools Act, 1869, and section 4, sub-section (3) of the Act of 1889. 30

13. By section 62 a preferential right of admission to the schools is given to inhabitants of the borough of Swansea. Sections 72 to 78 provide for scholarships and exhibitions. There are to be foundation scholarships tenable at the schools at the rate of not less than one for every ten scholars, and one-half of these scholarships, carrying entire exemption from tuition fees, and in certain cases a further payment, are to be given to children who have been for three years at one of the public elementary schools in the borough. The other half of the scholarships carry exemption from one-half of the tuition fees. There are also to be scholarships, tenable at higher grade public elementary schools in the borough, and exhibitions tenable at places of university, or professional, or 40 technical education.

14. The Appellants state in their Petition that they appeal from the Scheme on the following grounds: (1) That the Swansea Free Grammar School is excepted by section 19 of the Endowed Schools Act, 1869, from the provisions therein contained respecting religious instruction and attendance at religious worship, and that the Scheme does not make provision respecting religious instruction or attendance at religious worship of the scholars and respecting the

religious opinions of the governing body or masters. (2) That the Scheme contains no saving or compensation for the vested interests of the persons for the time being heirs-at-law of the said Bussy Mansell. (3) That the Scheme is not made in conformity with the Endowed Schools Act, 1869, and (4) That the Scheme has not due regard for the religious and other educational interests of the scholars to which regard is required to be had by the said Act.

15. As to objection (1) the Appellants in their Petition (paragraph 3) refer to alleged regulations as to religious instruction made by Hugh, Lord Bishop of Waterford and Lismore, or under his authority, in his lifetime, but no evidence of any such regulations has been produced, and the Respondents are not aware of anything tending to show that there ever were any such regulations. In any case, the provisions of the Chancery Scheme of 1850, which have been in force ever since that date, show that the school is not one to which the exemption of section 19 applies.

16. As to objection (2) the Appellants have no *locus standi* under section 39 of the Endowed Schools Act, 1869. In paragraph 14 of their Petition the Appellants allege that Caroline Emily Talbot, Isabella Fletcher, and Olive Emma Talbot are the heiresses-at-law of Bussy Mansell, but as Christopher Rice Mansel Talbot, who was found in the Chancery proceedings of 20 1850 to be the heir-at-law of Bussy Mansell, only died in 1890, no person could have a vested interest as such heir-at-law under section 13 of the Endowed Schools Act, 1869. The Respondents do not understand to what matters objections (3) and (4) to the Scheme are intended to relate.

The Respondents submit that the prayers of the Petition of Appeal ought not to be granted, and that the Scheme under appeal ought to be approved by Her Majesty in Council, for the following among other

REASONS.

30 1. Because the endowments of the Swansea Free Grammar School (being the only educational endowments to which the Scheme relates) are not endowments which by section 19 of the Endowed Schools Act, 1869, are excepted from the foregoing provisions respecting religious instruction and attendance at religious worship in that Act mentioned.

10 2. Because the Appellants are not persons entitled to appeal to Her Majesty in Council on the ground of the Scheme not saving or making compensation for the vested interest (if any) of the heir or heirs-at-law of Bussy Mansell, and if there were there is no such vested interest.

3. Because in the Scheme under appeal due regard is had to all educational interests (if any) to which regard is by the above-mentioned Acts required to be had, and the said Scheme is in all respects within the scope of and made in conformity with the said Acts, and is a valid and proper Scheme.

JOHN RIGBY,
F. VAUGHAN HAWKINS.

In the Privy Council.

IN THE MATTER OF THE SWANSEA
FREE GRAMMAR SCHOOL

AND

IN THE MATTER OF THE WELSH
INTERMEDIATE EDUCATION ACT, 1889

AND

IN THE MATTER OF THE ENDOWED
SCHOOLS ACTS.

CASE

OF THE RESPONDENTS, THE CHARITY
COMMISSIONERS FOR ENGLAND
AND WALES.

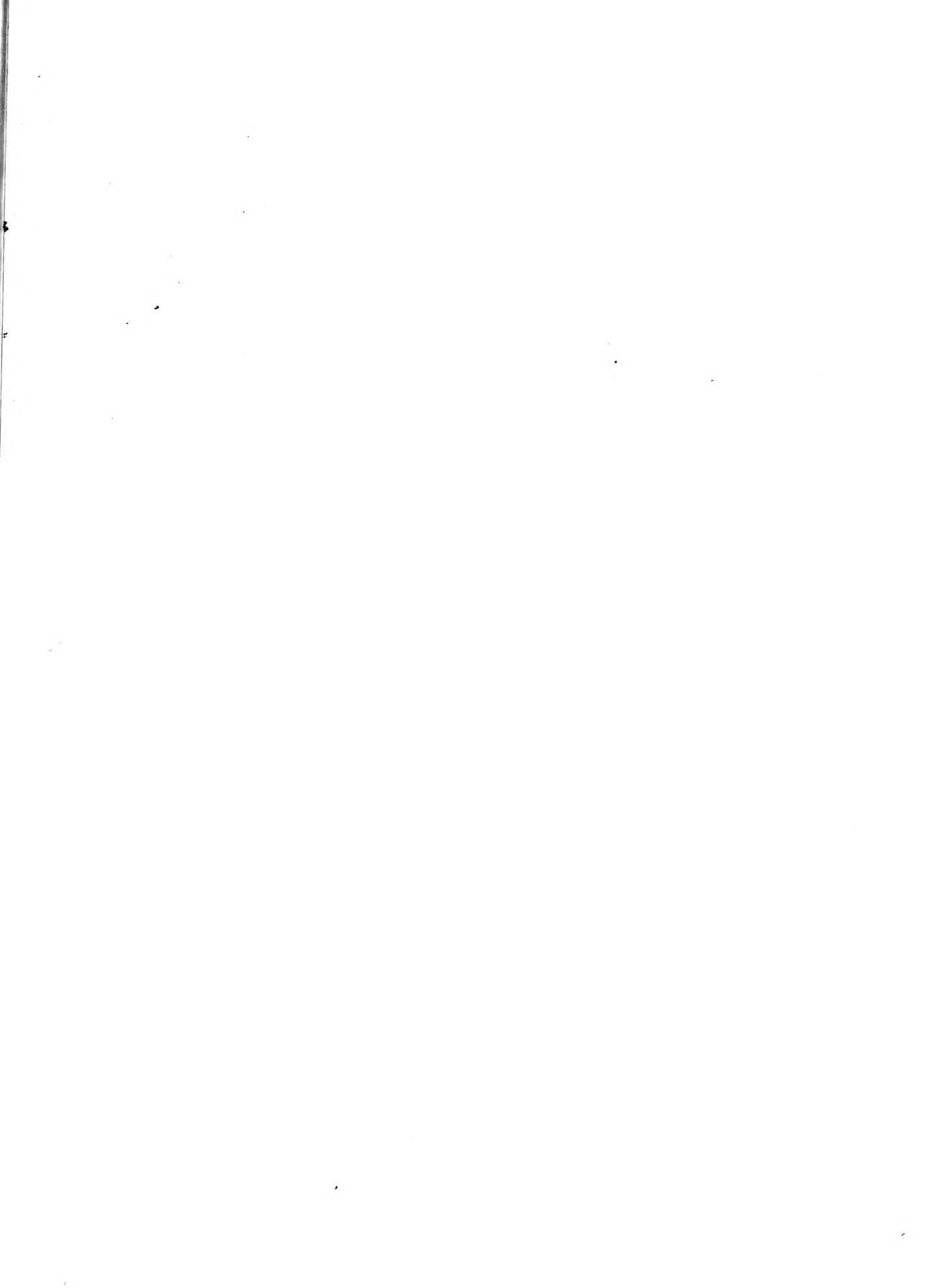
FARRER & CO.

66 *Lincoln's Inn Fields,*

SOLICITORS FOR THE RESPONDENTS.

[p. 397]

Spottiswoode & Co. Printers, New street Square, London, E.C.



In the Privy Council.

In the Matter of THE FUNDS APPLICABLE TO THE INTERMEDIATE AND TECHNICAL EDUCATION OF THE INHABITANTS OF THE COUNTY BOROUGH OF SWANSEA.

In the Matter of THE FREE GRAMMAR SCHOOL IN SWANSEA, founded in 1682 by HUGH GORE, D.D., Lord Bishop of Waterford and Lismore, and further endowed by the CORPORATION OF SWANSEA, regulated by a scheme of the Court of Chancery of the 5th July, 1850.

In the Matter of THE WELSH INTERMEDIATE EDUCATION ACT, 1889,

In the Matter of THE LOCAL TAXATION (CUSTOMS AND EXCISE) ACT, 1890,

AND

In the Matter of THE ENDOWED SCHOOLS ACT, 1869, and Amending Acts.

JOINT APPENDIX.

EDWARD T. TURNER,
101, Leadenhall Street, E.C.,
Agent for—

CHARLES NORTON,
of Swansea,
Solicitor for the Petitioners.

FARRER & CO.,
66, Lincoln's Inn Fields, W.C.,
Solicitors for the Respondents.

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No. 1.—Petition to Her Majesty the Queen in Council;
presented 9th May, 1893.

Petition to the
Queen in Council
9th May, 1893

IN THE PRIVY COUNCIL.

In the Matter of the funds applicable to the Intermediate and Technical Education of the Inhabitants of the County Borough of Swansea—

In the Matter of the Free Grammar School in Swansea founded in 1682 by Hugh Gore D.D. Lord Bishop of Waterford and Lismore and further endowed by the Corporation of Swansea regulated by a Scheme of the Court of Chancery of the 5th July 1850.

In the Matter of the Welsh Intermediate Education Act 1889.

In the Matter of the Local Taxation (Customs and Excise) Act 1890: and

10 *In the Matter of* the Endowed Schools Act 1869 and Amending Acts.

To THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

The Humble Petition of Sir Henry Hussey Vivian of Singleton Abbey Swansea Baronet M.P. John Crow Richardson of Glanbrydan Park Manordeilo Carmarthenshire Esquire Sir John Jones Jenkins of the Grange Swansea Knight Edward Rice Daniel of Cwmgelly Swansea Esquire John Richardson Francis of Llwynderw Swansea Esquire Colonel William Llewellyn Morgan, of Brynbrialll Swansea The Reverend Canon John George Gauntlett late of Mynydd Gloya Swansea but now of Pershore Worcester William Walters of Penlan Swansea Esquire Thomas Dryslwyn Griffiths of Dryslwyn House Swansea Physician John Powell of Warmarwydd House Swansea Esquire and Charles Henry Glascodine of Cae Parc Swansea Esquire Barrister-at-Law the Governing Body of the Free Grammar School in Swansea.

SHEWETHI:—

1. That in the year 1682, the Right Reverend Father in God, Hugh, Lord Bishop of Waterford and Lismore in the Kingdom of Ireland erected and endowed a Free Grammar School and Schoolhouse within the Town and Parish of Swansea in the County of Glamorgan upon the ground of Bussy 30 Mansel of Brittonferry in the County of Glamorgan Esquire situate in Goat Street in the said Town of Swansea for the bringing up and education of twenty of the children of the poorer sort of the Burgesses or that were the

Petition to the Queen, dated 9th May, 1893. Burgesses of the said Town and Corporation of Swansea and in default of Burgesses the sons of the poorer sort of inhabitants or that were the inhabitants of the said town in virtue and good literature.

2. That the said Hugh Lord Bishop of Waterford and Lismore by certain deeds indented purporting a lease and release the one bearing date the 13th day and the other the 14th day of September in the four and thirtieth year of the reign of Charles the Second made between the said Lord Bishop of the one part and the said Bussy Mansel of the other part conveyed to the said Bussy Mansel his heirs and assigns lands of good value by the year situate in the parish of Landorodage in the said county of Glamorgan known by the name 10 of Abber Cwm y Vach, Blaen Cwm y Vach, Maes Cwm y Vach, Cae Pickal, Kae Eithinog, Craig Ruberveth, with all commons and wastes thereunto belonging upon the special trust and confidence that the said Bussy Mansel his heirs and assigns would from time to time for ever nominate and appoint one discreet and well-learned man to supply the room of schoolmaster of the said Free Grammar School in the said town of Swansea to instruct in the Greek and Latin tongues the said twenty children and in case the schoolmaster's place should fall void during the infancy of the heir-at-law of the said Bussy Mansel that the Bishop of St. David's for the time being should appoint the same. And upon trust and confidence that the said Bussy Mansel his 20 heirs and assigns should and would suffer the schoolmasters of the said Free School successively to take and receive for their own use the profits of said lands for their salary as by the said indentures it more at large appears.

3. That by the express terms of the regulations made by the said Hugh Lord Bishop of Waterford and Lismore or under his authority in his lifetime the scholars to be educated by the said endowment were to learn and be instructed according to the doctrines of the Church of England and such scholars have continued to be so instructed until the present time.

4. That by an Order dated the 5th July 1850 made by the Vice-Chancellor Knight Bruce in the matter of the Swansea Free Grammar School 30 and in the matter of the Statute, 3 and 4 Vict. c. 77 a certain scheme therein mentioned as having been settled and approved by the Master for the administration of the said charity was sanctioned and directed to be carried into effect.

5. That by the said scheme certain rights are given to the person who shall for the time being be the heir-at-law of Bussy Mansel to appoint feoffees of the said charity lands and trustees for the purposes of the said charity and also to the office of master of the said Grammar School.

6. That by Clause 14 of the said scheme it is provided that there shall be an uniform system of education in the school which shall consist of instruction 40 in Latin Greek and English grammar reading writing and arithmetic and such other subjects of learning as the said trustees with the advice of the heir-



at-law of Bussy Mansel if of full age shall from time to time direct and the master shall read daily in the school some appropriate prayers from the Liturgy accompanied by the reading of a suitable portion of the Holy Scriptures and in the case of children of the members of the Established Church he shall take care that they are well versed in the Church Catechism but care shall be taken to respect the religious scruples of the children of parents not of the Established Church.

Petition to the Queen, dated 9th May, 1893

7. That in or about the month of March 1892 a draft scheme was framed printed and published by the Commissioners appointed under "The 10 Endowed Schools Act, 1869" (hereinafter referred to as the Commissioners) for the administration of the funds applicable to the intermediate and technical education of the inhabitants of the County Borough of Swansea under the Welsh Intermediate Education Act 1889 and Local Taxation Act 1890 and of the Free Grammar School in Swansea.

8. That your Petitioners are the governing body of the said Free Grammar School.

9. That your Petitioners on the 6th day of May 1892 being within three months after the first publication of the said draft scheme by the Commissioners sent in the following objections and suggestions relating to the said draft 20 scheme namely—

"(1.) That the endowments of the Grammar School ought not to be used "for the purpose of such scheme and then to be diverted to the pur- "poses of an intermediate or technical school from those of a "grammar school for boys to which they are at present appropriated.

"(2.) That the use of the Liturgy of the Church of England in the daily "prayers and the teaching of the Church Catechism has hitherto been "an essential part of the system of education pursued at the school "founded as it was by a Bishop of the Church and that under the "Welsh Intermediate Education Act 1889 the teaching of the "Church Catechism to day scholars in an intermediate school is "illegal and is in fact prohibited by the proposed scheme. The "inclusion of the Grammar School in the scheme would therefore "prevent day scholars belonging to the Church of England from "obtaining instruction in the doctrines of their own church."

30

The governing body further submitted the following objections in matters of detail :

"(1.) Provision should be made for the appointment of a larger number of "governors than two by the visitors and feoffees and vacancies in "their numbers should be supplied by themselves and not by the "general body of governors.

“ (2.) The proposed governing body is too large to work smoothly and well.
“ So large a proportion as is proposed ought not to be appointed by
“ the Corporation of Swansea.

“ (3.) The endowment of the Grammar School appropriated as it was by
“ the founder to the education of boys ought not to be used for the
“ establishment and maintenance of a school for girls.

“ (4.) The head master should always be a graduate of some university in
“ the United Kingdom.

“ (5.) The lowest age at which a scholar may be admitted should be eight
“ years and not ten. 10

“ (6.) The religious instruction should be in the Christian faith and not
“ ‘in accordance with the principles of the Christian faith’ as proposed.

“ (7.) Instruction in drawing and vocal music should be discretionary and
“ not compulsory as proposed.

“ (8.) The instruction ought to be on an uniform system in accordance with
“ the wishes of the founder and the system and subjects of instruction
“ ought to be in the discretion of the head master and not of the
“ governing body.

“ (9.) The rights and powers of the present visitor ought to be maintained.

“ (10.) The head master ought not to be capable of dismissal without 20
“ assigning cause.

“ (11.) If the resources of the school permit exhibitions of at least fifty
“ pounds a year should be given.”

10. That all the aforesaid objections and suggestions were rejected by the Commissioners with the exception of paragraphs one and five in the above objections or suggestions in matters of detail which were included in the final draft scheme approved by the Commissioners on the 4th November 1892.

11. That the said final draft scheme was subsequently submitted to the Committee of Council on Education which Council approved of the said scheme and published and circulated the same as provided by the said Act. 30

12. That your Petitioners feel aggrieved by the said scheme on the following grounds:—

(1.) That the said Free Grammar School in Swansea is excepted by section 19 of the Educational Endowment Act of 1869 from the provisions therein contained respecting religious instruction and the attendance at religious worship and that the said scheme does not make provision respecting the religious instruction or attendance at religious worship of the scholars, and respecting the religious opinions of the governing body or masters.

(2.) That the said scheme contains no provision for saving and makes no compensation for the vested interests of the persons for the time being heirs-at-law of the said Bussy Mansel.

(3.) The said scheme is not made in conformity with the Endowed Schools Act 1869.

(4.) That the said scheme has not due regard for the religious and other educational interests of the scholars to which regard is required to be had by the said Act.

13. That the present endowment amounts to £1000 a year or thereabouts and is liable largely to increase by reason of the development of the trust estate.

14. That Caroline Emily Talbot of Margam in the County of Glamorgan spinster Bertha Isabella the wife of John Fletcher Esquire of Salton in the County of Haddington and Olive Emma Talbot of Margam aforesaid spinster are the heiresses-at-law at the present time of the said Bussy Mansel and they object to the scheme. And the said Caroline Emily Talbot is prepared to largely endow scholarship for the said Free Grammar School if your Majesty withholds your approval from the said scheme.

20 Your Petitioners therefore most humbly pray that your Majesty will be pleased to withhold your approval from the whole of the said scheme and to refer the same to your Majesty's most Honourable Privy Council and that your Petitioners may be heard by Counsel in support of their Petition against the said scheme and that the said scheme may be remitted to the Commissioners with such declarations as the nature of the case may require.

And your Petitioners will ever pray, &c.

CHAS. NORTON,
Solicitor for and on behalf the Governing Body,
May 9th, 1893.

30

JNO. RD. FRANCIS.
JNO. C. RICHARDSON.
T. D. GRIFFITHS.
CHARLES HENRY GLASCODINE.
WILLIAM LLEWELLYN MORGAN.
JNO. GEO. GAUNTLETT.
J. POWELL.

JNO. W. MORRIS,
Secretary,
Swansea Free Grammar School.

Lease of 13th
September,
1682, between
Hugh, Lord
Bishop of
Waterford,
and Bussy
Mansell, Esq.

No. 2.—Lease of 13th September 1682 between Hugh
Lord Bishop of Waterford, and Bussy Mansell, Esquire.

THIS INDENTURE, made the thirteenth day of September, in the thirty-fourth year of the reign of our Sovereign Lord, Charles the Second, by the Grace of God of England, Scotland, France, and Ireland, King, Defender of the Faith, and Anno Domini, One thousand six hundred and eighty-two, between the Right Reverend Father in God, Hugh, Lord Bishop of Waterford and Lismore, in the Kingdom of Ireland, of the one part, and Bussy Mansell, of Brittonferry, in the County of Glamorgan, Esquire, of the other part, Witnesseth that the said Hugh, Lord Bishop of Waterford and Lismore for and in consideration of the sum of five shillings of lawful money of England, to him in hand paid by the said Bussy Mansell, the receipt whereof he doth hereby 10 acknowledge, hath bargained and sold and doth by these presents bargain and sell unto the said Bussy Mansell, his executors, administrators, and assigns, all that messuage, tenement, lands, and hereditaments, with their and every of their appurtenances, called and known by the names of Abber Cwm-y-Vaeh, Blaen Cwm-y-Vach, Maes Cwm-y-Vach, Kae Pickae, Kae Eithinog, Craig Ruberveth, or by any other name or names whatsoever, late in the possession of Lewellin Griffith, and now in the possession of William Lewellin, situate lying and being in the Parish of Landovodoge, in the said County of Glamorgan. And also the reversion and reversions, remainder and remainders thereof, together with all ways, 20 watereourses, furze, heaths, wastes, commons, and other profits and emoluments to the same or any part thereof, in anywise belonging or appertaining, To have and to hold the said messuage, tenement, lands, hereditaments and premises in as large and ample manner as Lewellin Griffith and William Lewellin enjoyed the same from the day next before the date hereof, unto the end and term and for and during the term of one whole year from thence next ensuing to be fully completed and ended, Yielding and paying a peppercorn at the Feast of St. Michael the Archangel next ensuing the date hereof if demanded, To the intent that by virtue thereof and of the statute for transferring uses into possession, the said Bussy Mansell may be in the aetual possession of the said messuage, tenement, lands, hereditaments, and premises, and be enabled to take 30 and accept of grant and release of the said messuage, tenement, lands, hereditaments and premises to him, his heirs and assigns for ever.

In witness whereof the parties first above mentioned have to these presents interchangeably set their hands and seals the day and year first above written.

H. WATERFORD AND LISMORE.

L.S.

Signed sealed and delivered
in the presence of—

{ ARTH. STANHOPE
PAT CHRISTIAN.
JOHN DANIEL.

MIC. HEAD.
EVAN JAMES.



No. 3.—Release dated 14th September, 1682, between
Hugh, Lord Bishop of Waterford, and Bussy Mansell, Esq.

Release dated
14th September,
1682,
between
Hugh, Lord
Bishop of
Waterford,
and Bussy
Mansell, Esq.

THIS INDENTURE, made the fourteenth day of September in the thirty-fourth year of the reigne of our Sovereigne L'd, Charles the Second, by the Grace of God, of England, Scotland, Ffrance, and Irelaud, King, Defender of the Ffiaith, &c., Annoq' Dom. 1682, between the Rt. Reverend Ffather in God, Hugh, L'd Bishop of Waterford and Lismore, in the Kingdom of Ireland, of the one part, and Bussy Mansell, of Brittonferry, in the County of Glamorgan, Esquire, of the other part. Whereas the said Hugh, L'd Bishop of Waterford and Lismore, by indenture bearing date the thirteenth day of September aforesaid, for the consideration therein mentioned, did bargain and sell unto the said 10 Bussy Mansell, his ex'ors, adm'ors, and assigns, all that messuage, tenem't, land and hereditaments, with their and every of their appurtenances, commonly called and knowne by the names of Abercennny vach, Blaencennny vach, Maeseennny vach, Kaie Pieke, Kae Eithinog, Craig Ruberweth, or by any other name or names whatsoever, late in the possession of Llewellyn Griffith and now in the possession of William Llewellyn, situate, lying and being in the parish of Landevodog, in the countie of Glamorgan and also the reversion and reversions, remainder and remainders thereof, together with all waies, water-courses, ffurze, heath, wastes, com'ons, and other profits and emolum'ts, to the same or any part thereof in any wise belonging or appertaining, to have and to 20 hold the same messuage, tenem't, lands, hereditaments, and premises in as large and ample a manner as Llewellyn Griffith and William Llewellyn enjoyed the same from the day next before the date thereof until the end and terme, and for and during the terme for one whole yeare from thence next ensuing to be fully compleated and ended, yeelding and paying a pepper corne att the feast of St. Michael the Arch Angel next ensuing date hereof, if demanded, To the intent that by vertue thereof and of the statute for transferring uses into possession, the said Bussy Mansell may be in the actual possession of the said messuage, tenement, lands, hereditaments, and premises, to him, his heirs and assigns for ever As by the said recited indenture more att large appeareth. And whereas the said Hugh, 30 Lord Bishop of Waterford and Lismore, for the love that he beareth to the Corporation Towne and Burgh of Swanzey in the said Countie of Glamorgan, and to the Burgesses and Inhabitants thereof, intended to erect a Ffree Grammar Schoole within the said Corporation Towne and Burgh for the bringing up and education of a certain number, from time to time, of the children and youths of the said Corporation Towne and Burgh, sons of the poorer sort of the Burgesses, or that were the Burgesses of the said Corporation Towne and Borough of Swanzey, and in default of Burgesses, sons of the Inhabitants, or that were the Inhabitants of the said Corporation Towne and Burrough, in vertue and good literature and to endow the same with lands 40 for ever in good value by the year. Now this Indenture witnesseth that the said Hugh, Lord Bishop of Waterford and Lismore, as well for the purpose aforesaid, as also for the consideration of the sum of ten shillings of lawfull money of England in hand paid by the said Bussy Mansell to the said Hugh, Lord Bishop of Waterford and Lismore, the

Release dated
14th Septem-
ber, 1682,
between
Hugh, Lord
Bishop of
Waterford,
and Bussy
Mansell, Esq.

receipt whereof he doth by these presents aeknowledge, and in consideration of the annual rent by these presents reserved, hath granted, remised, released, and confirmed And doth by these presents grant, remise, release, and confirm unto the said Bussy Mansell, in his aetual possession now being, by virtue of the said recited indenture of bargaine and sale made to him for a yare, and of the said statute for the transferring uses into possession, and to his heirs and assigns, subiect neverthelesse and lyable to the trust hereinafter mentioned and expressed, the messuage, tenement, lands, hereditaments, with their appurtenances, And all the estate, right, title, interest, clayme and demand whatsoever, of him the said Hugh, Lord Bishop of Waterford and Lismore, his heirs and assigns, of in and to the same and every part thereof, and the reversion and reversions, remainder and remainders thereof, and of every part thereof To have and to hould the said messuage, tenement, lands, hereditaments, and premises, with their appurtenances, unto the said Bussy Mansell, his heirs and assigns for ever Yielding, paying, and rendering to the said Hugh, Lord Bishop of Waterford and Lismore, his heires and assignes, att the feast of St. Michael the Arch Angell, every yare, or within fourteen daies after, the sum of five shillings of lawful money in England. And if it shall fortune that the said annuall rent of ffive shillings shall be in arrears and unpaid at the time it ought to have been paid as aforesaid, in part or in the whole, that then and from thenceforth, it shall be lawfull for the said Hugh, Lord Bishop of Waterford and Lismore, his heirs and assigns, into all and singular the premises to enter and to distraine, and the distresses to carry away, detaine, and keepe untill he and they be satisfied and paid the sait yearly rent of five shillings, with the arrears thereof if any such be upon especial trust and confidence that the said Bussy Mansell, his heirs and assigns, will nominate and appoint in writing under his and their hands and seals, one discreet and well-learned man to supplie the roome of the schoole-master of the said grammar schoole in the said towne and borough of Swanzey, to instruct in the Latin and Greeke languages, without reward other than is hereafter by these presents provided, twenty poore children and youthes, sons of the poorer sort of burgesses, or that were the burgesses of the said Corporation and Burgh of Swanzey And in case the Corporation happen to be dissolved and to cease, then to instruct as aforesaid, twenty poore children and youthes, sons of the poorer sort of the inhabitants, or that were the inhabitants of the said towne of Swanzey, to be from time to time elected, nominated and appointed by the said Bussy Mansell, his heirs and assigns for ever And that as often as the said schoole-masters room shall fortune to be void by death or otherwise, that then it shall and may be lawfull for the said Bussy Mansell, his heires and assignes for ever, to nominate and appointe one discreet and learned man to supply the roome of said schoole-master, then being voide And that it shall and may be lawfull, in case the heyre-att-law of the said Bussy Mansell, by immediate or mediate descent, happen to be in minority and an infant within the age of one and twenty yeares, and that the said schoole-master's place become then voide, for the Rt. Reverend Ffather in God, William, Lord Bishop of St. David's, and his successors in the said Dioces, in writing, under his and their hands and seals, to nominate and appoint one discreet and well-learned man to supplie the place of the school-master of the said ffree grammer school, and that as often

Release date
14th Septem-
ber, 1682,
between
Hugh, Lord
Bishop of
Waterford,
and Bussy
Mansell, Esq

as the said school-master's roome shall be voide during the infancy and minority of the said heir-at-law, it shall and may be lawful for the said Bussy Mansell, his heirs and assigns for ever, and in the infancy of any heire of the said Bussy Mansell for the Lord Bishop of the Dioeſe of St. David's and his successors, to remove any schoole-master of the said ffree schoole that shall palpably neglect the said schoole, or shall take and accept of a living, benefice, or cure of soules, and to appoint another fit person in his place and stead. And upon ſpeciall trust and confidence that the said Bussy Mansell, his heirs and assigns, will from time to time lease, ſett, and let the ſaid messuage, tenements, lands, and 10 premises, by the year, or for one-and-twenty yeares, or lesser number of yeares, or for three lives or four lives, to commence in possession according to the discretion of the ſaid Bussy Mansell, his heires and assigns, ſo that the utmoſt rent that can be had for the ſame be reserved for the ſaid Bussy Mansell, his heires and assigns, by the ſaid lease or leases, without contracting for or receiving a fine at the taking of the ſame. And ſhall and will ſuffer and permit the schoole-maſters of the ſaid ffree schoole ſucceſſively to take and receive the ſaid rents ſo reserved for his or theiſe ſallary, to theiſe own uſe without account, for ſo long a time as he and they ſhall reſpectively attend and perform the ſaid duty. And itt is the true intent and meaning of all the 20 parties to theſe preſents, that it ſhall and may be lawfull for the ſaid Bussy Mansell, his heirs or assigns, or by their ſufficient deputy or deputies, from time to time, according to their discretion, to viſitt the ſaid ſchoole, and to diſcharge ſuch children or youths as ſhall be judged by them fitt for trade or the University from the ſaid free ſchoole, and to place others in their stead, and that noe children or youths to be admitted to the ſaid ſchoole upon account of the foundation, but ſuch as ſhall be of the age of eight yeares compleat or upwards, and ſhall be able to read English perfectly.

In witness whereof the parties first above mentioned have to theſe preſents interchangeably ſett their hands and ſeals the day and year first above written.

30 II. WATERFORD and LISMORE.

(L. 8.)

No. 4.—Feoffment, dated 10th December, 1682, from Bussy Mansell, Esquire, to Thomas Phillips and others.

Feoffment
dated 10th
December,
1682, from
Bussy Man-
sell, Esq., to
Thos. Phi-
llips and others

THIS INDENTURE, made the tenth day of December, in the four-and-thirtieth year of the reign of our Sovereign Lord Charles the Second, by the Grace of God, of England, Scotland, France, and Ireland, King, Defender of the Faith, &c., Anno Domini, 1682, between Bussy Mansell, of Brittonferry, in the county of Glamorgan, Esqre, of the one part, and Thomas Phillips, Portreeve of the corporation, town, and burgh of Swanſey, in the ſaid County of Glamorgan, John Bowen, Esqre, Alderman of the town of Swanſey aforesaid, in the ſaid county, William Jones, Alderman of the town of 40 Swanſey, aforesaid, in the ſaid county, Gamaliel Hughes, Alderman of the town of Swanſey, aforesaid, in the ſaid county, William Thomas, Alderman of the town of Swanſey, aforesaid, in the ſaid county, John Howells, Alderman

Feoffment
dated 10th
December,
1682, from
Bussy Mans-
sell, Esq., to
Thos. Phillips
and others.

of the town of Swansey, aforesaid, in the said county, Owen Rogers, Alderman of the town of Swansey, aforesaid, in the said county, Joseph Davies, Alderman of the town of Swansey, aforesaid, in the said county, George Bowen, of the town of Swansey, aforesaid, in the said county, gent., John Daniel, of the town of Swansey, aforesaid, in the said county, tanner, Richard Phillips, of the town of Swansey, aforesaid, in the said county, tailor, and David Rogers, of the town of Swansey, aforesaid, in the said county, tanner, of the other part. Whereas the Right Reverend Father in God, Hugh, Lord Bishop of Waterford and Lismore, in the kingdom of Ireland, hath erected a free grammar school and school house within the town 10 and parish of Swansey aforesaid in the said county of Glamorgan, upon the ground of the said Bussy Mansell situate in Goat Street, in the said town of Swansey, for the bringing up and education of twenty of the children of the poorer sort of the burgesses, or that were the burgesses of the said town and corporation of Swansey, and in default of burgesses the sons of the poorer sort of inhabitants, or that were the inhabitants, of the said town, in virtue and good literature. And whereas the Right Reverend Father in God, Hugh, Lord Bishop of Waterford and Lismore, hath, by certain deeds indented, purporting a lease 20 and release, the one bearing date the thirteenth day and the other the fourteenth day of September in the four-and-thirtieth year of His now 20 Majesty's reign, and made between the said Lord Bishop of the one part, and the said Bussy Mansell, of the other part, conveyed to the said Bussy Mansell, his heirs and assigns, lands of good value by the year, situate in the parish of Landovodoge, in the said county of Glamorgan, known by the name of Abber Cwm y Vach, Blaen Cwm y Vach, Maes Cwm y Vach, Cae Pickae, Kae Eithinog, Craig Ruberveth, with all commons and wastes thereunto belonging, upon especial trust and confidence that the said Bussy Mansell, his heirs and assigns will from time to time for ever nominate and appoint one discreet and well-learned man to supply the room of schoolmaster of the said free grammar school in the said town of Swansey, to instruct in the Greek and 30 Latin tongues the said twenty children, and in case the said schoolmaster's place shall fall void during the infancy of any heir-at-law of the said Bussy Mansell, that the Bishop of St. David's for the time being should appoint the same, and upon trust and confidence that the said Bussy Mansell his heirs and assigns, shall and will suffer the schoolmasters of the said free school, successively to take and receive to their own use, the profits of the said lands for their salary as by the said indentures it doth more at large appear. Now this indenture witnesseth that the said Bussy Mansell, as well for the love that he beareth to the said corporation town and burgh of Swansey, and to the burgesses and inhabitants thereof, as also in consideration of the sum of ten 40 shillings in hand paid to the said Bussy Mansell by the said Thomas Phillips, John Bowen, William Jones, Gamaliel Hughes, William Thomas, John Howells, Owen Rogers, Joseph Davies, George Bowen, John Daniel, Richard Phillips, and David Rogers, hath given, granted, enfeoffeed, bargained, and sold, remised, released, and confirmed unto the said Thomas Phillips, John Bowen, William Jones, Gamaliel Hughes, William Thomas, John Howells, Owen Rogers, Joseph Davies, George Bowen, John Daniel, Richard Phillips, and David Rogers, their heirs and assigns for ever, All that school and

school-house, or intended for a school and school-house, and the courts and outlet thereto belonging, and all those three small gardens behind the yard, school-house, school, and court, and all that cottage now in the possession of Edward Morgan, with their and every of their appurtenances, the reversion and reversions, remainder and remainders thereof, together with all ways, easements, and emoluments to the same, or any part thereof, in anywise belonging or appertaining, situate, lying, and being in Goat Street, in the town and parish of Swansey aforesaid, in the county of Glamorgan To have and to hold the said school and school-house, or intended for a school and school-house, and the court
 10 and outlet thereto belonging, and the said three gardens behind the same, together with the said cottage, and all and singular the premises with their appurtenance, and all the estate, right, title, and interest of him the said Bussy Mansell, his heirs, and assigns, of, in, and to the same, to the said Feoffees, their heirs and assigns for ever, to the use of them the said feoffees, their heirs and assigns for ever Yielding and paying to the said Bussy Mansell, his heirs and assigns, at or upon the feast of St. Michael the Archangel, every year, the sum of twelve pence of lawful money of England, upon especial trust and confidence reposed in the said feoffees and their heirs, that they and the survivors or survivor of them or the heirs of the survivor of them, will suffer and permit the schoolmaster and school-
 20 masters hereafter to be appointed and nominated, from time to time, for the said free grammar school, by the said Bussy Mansell, his heirs and assigns, and the said Bishop of St. David's and his successors, in case the said schoolmaster's room shall fall void in the infancy of any heir-at-law of the said Bussy Mansell, by mediate or immediate descent, successively, to have, hold, and quietly enjoy to his and their own use, for the purpose aforesaid, the said free grammar school and school house, court and outlet thereto belonging, the said three gardens and cottage with their appurtenances, for and during such time as the said schoolmasters shall respectively continue schoolmaster of the said free grammar school And it is further intended, meant, and agreed between the
 30 said parties to these presents that when and so often and at what time or times soever six of the said twelve persons before-named as feoffees as aforesaid or of any other persons hereafter to be so named as feoffees of the said free grammar school, school house, and premises or more of them shall die, that such and so many of the feoffees as shall be then living at the reasonable request of him the said Bussy Mansell his heirs and assigns, either or any of them shall by sufficient assurances in the law convey the said school, school house, and premises to such twelve men as shall be then burgesses of the said corporation town and burgh of Swansey aforesaid and their heirs, and in case of a dissolution of the said corporation, to such twelve men as shall be then inhabitants of
 40 the said town of Swansey and their heirs, as the said Bussy Mansell, his heirs, and assigns, or either of them, shall nominate and appoint to the same charitable uses and trust and with the like reservations as are in these presents mentioned, expressed, and contained.

Feoffment
 dated 10th
 December,
 1682, from
 Bussy Man-
 sell, Esq., to
 Thos. Phillips
 and others.

In witness whereof the parties first above mentioned have to these presents interchangeably set their hands and seals the day and year first above written.

BUSSY MANSELL.

L.S.

No. 5.—Extract from Master's Report, dated 7th June, 1850.

IN CHANCERY.—VICE-CHANCELLOR OF ENGLAND.

*In the Matter of the Swansea Free Grammar School
and*

In the Matter of the Statute 3rd and 4th Victoria, c. 77.

Extract from the Report of Sir William Horne the Master in rotation, dated 7th June 1850, made in pursuance of an Order in the above matters, dated 11th May 1848, as recited in the Petition of William Robert Grove Esq. and of Sampson Dawe, chemist and druggist, both of the town of Swansea, in the county of Glamorgan, which they preferred to the Right Hon. the Lords Commissioners for the custody of the Great Seal of England on the 25th ¹⁰ June 1850.

And he found, that Christopher Rice Mansel Talbot, of Margam Park, Glamorganshire, Esquire, is the heir-at-law of the said Bussy Mansell, in whom the premises comprised in the said indentures of the 13th and 14th days of September 1682 are now vested.

No. 6.—Order confirming Scheme of 1850.

VICE-CHANCELLOR KNIGHT BRUCE for Vice-Chancellor of England.

Mr. Hussey, Regr.

Friday, the 5th day of July, in the fourteenth year of the
reign of Her Majesty Queen Victoria, 1850.

*In the Matter of the Swansea Free Grammar School
and*

In the Matter of the Statute 3rd and 4th Victoria, chap. 77.

WHEREAS WILLIAM ROBERT GROVE and SAMPSON DAWE did on the 25th day of June, 1850, prefer their petition unto the Right Honourable the Lords Commissioners for the Custody of the Great Seal of Great Britain, setting forth as therein is set forth, and praying that the Master's Report in the Petition mentioned, dated the 7th day of June, 1850, might be confirmed, and that the Charity might be administered according to the scheme settled and approved of by the said Master, and that the trustees might be authorized to raise the money for building and fitting up of the proposed school as well by ³⁰ sale as by mortgage of the premises in Goat Street, in the said Master's report mentioned, and in case such sale should be made to acquire a new site for the schoolhouse, and that it might be referred to one of the taxing masters of this Court in rotation to tax as between solicitor and client, the Petitioners, Her Majesty's Attorney-General, Christopher Rice Mansel Talbot and the trustees of the said charity as between solicitor and client, their costs of and relating to that application, and of and relating to the Order of reference of the 11th day

Order
confirming
Scheme of
1850.

of May, 1848, and consequent thereon, including therein any costs charges and expenses properly incurred by the said Christopher Rice Mansel Talbot, and certify the total amount thereof; and that such costs when taxed might be paid by the trustees of the said charity, out of the first monies that might come to their hands, to the solicitors of the several parties. Whereupon all parties concerned were ordered to attend their Lordships on the matter of the said petition; and counsel for the Petitioners and for Her Majesty's Attorney-General, the said Christopher Rice Mansel Talbot, and the Trustees of the said charity this day attending accordingly. Upon hearing the said petition an Order dated the 11th day of May, 1848, and the Master's report dated the 7th day of June, 1850, read and what was alleged by the counsel for the Petitioners and for Her Majesty's Attorney-General, the said Christopher Rice Mansel Talbot and the said trustees,—

This Court doth Order that the said Master's said report dated the 7th day of June, 1850, be confirmed. And it is ordered that the scheme settled and approved of by the said Master in his said report be carried into effect. And it is ordered that the trustees be at liberty to raise the money for the building and fitting up of the proposed school in the report named, either by sale or by mortgage of the premises in Goat Street, or any part thereof in the said Master's report mentioned, and in case such sale shall be made, to acquire a new site for the school house. And it is ordered that it be referred to the taxing master of this Court in rotation to tax, as between solicitor and client, the costs of the Petitioners, of Her Majesty's Attorney-General, Christopher Rice Mansel Talbot, and of the trustees of the said charity of and relating to this the former application, including therein any charges and expenses properly incurred by the said Christopher Rice Mansel Talbot and Her Majesty's Attorney-General. And it is ordered that the said costs, charges, and expenses when taxed be paid by the trustees of the said charity out of the first monies that may come to their hands to the solicitors of the several parties.

Examined—H. H.

L.S.

30

Entered E. R.

No. 7.—The Scheme referred to in the foregoing Order.

Scheme re-
ferred to in
the foregoing
Order.

Appointment
of feoffees.

1st. That when and so often as the number of the present or any feoffees of the charity lands and premises shall by death or resignation be reduced to six the person who shall for the time being be the heir-at-law of Bussy Mansell, shall nominate six other fit and proper persons, being burgesses of the borough of Swansea, to be feoffees of the said charity lands and premises, together with the said six continuing trustees of the said lands and premises. Provided always that if at any time hereafter it shall not be known who is the heir of the said Bussy Mansell, that then and in such case it shall be lawful when and so often as the number of continuing trustees shall be reduced to six, for the Mayor and Corporation of Swansea in council assembled to elect six fit and proper persons being burgesses of the said borough of Swansea, to be feoffees together with them the said continuing feoffees of such lands and premises. Provided also,

Scheme referred to in the foregoing Order.

If less than six.

Feeoffees to qualify.

To convey to future feeoffees.

Feeoffees to be trustees.

Meetings.

Quorum.

Minutes.

Accounts.

To be audited.

Trustees of let estates.

that if at any time by unavoidable accident the number of continuing trustees shall have been reduced below the number of six, yet, nevertheless, that it shall be lawful for the heir-at-law of the said Bussy Mansell, or for such mayor and corporation in case such heir-at-law shall not be known, to elect fit and proper persons being burgesses of the said borough of Swansea, to be feoffees together with the then continuing feoffees.

2nd. That every person on being appointed or elected feoffee shall sign a memorandum in a book to be kept for the purpose, that he is willing to accept the office of feoffee and trustee of the said charity and the property and estates thereof, and no person shall be deemed to be duly constituted feoffee or trustee 10 until he has signed such memorandum.

3rd. That as soon as conveniently may be, after any persons shall have been nominated or elected and constituted feoffees under the provisions of the first and second clauses of this scheme, the continuing feoffees shall by a sufficient conveyance, vest the charity, lands, and property in the said new feoffees together with the continuing feoffees.

4th. That the said feoffees for the time being shall be trustees for the purpose of carrying out the provisions of this scheme.

5th. That the regular meetings of the feoffees and trustees shall be held twice in each year, and which meetings shall be held on some day to be fixed 20 by them in the months of June and December in each year, and they shall hold such other special meetings as may be necessary for the purpose of the charity, and at such meetings three of such feoffees or trustees shall be a quorum, and they shall choose one of themselves to be chairman, who, in the event of an equality of votes shall have a second or casting vote, and a minute shall be entered in a book to be kept for the purpose of the persons attending, and of what takes place at every such meeting, which shall be signed by the chairman of such meeting.

6th. That full and true accounts shall be kept and entered, in a book to be kept for the purpose, of all monies received from or in respect of the charity 30 and charity property, and of the application thereof, and such accounts shall be audited at each of the regular meetings of the trustees and signed by the chairman of the meeting.

7th. That the trustees shall be at liberty to let and set the charity estates and premises in such parts and manner as they shall consider most for the benefit of the said charity, provided that they shall always let the same for the best rents that can be reasonably obtained without taking any premium or fine; and that no leases shall be granted for a longer period than twenty-one years (except as hereinafter provided), and shall contain all proper covenants for the due payment of the rents, and for keeping in repair the houses and buildings then or which at any time thereafter may be erected on the land 40 thereby demised; and every such lease so to be granted shall contain all requisite powers of re-entry in case of non-payment of rent, or non-performance of the covenants therein contained, and every lessee shall execute a counterpart of the lease granted to him.

8th. That for the purpose of obtaining sufficient funds for the building and fitting up the school premises hereinafter directed to be built, the said feoffees shall be at liberty to raise such sum as may be required therefor by mortgage of the land belonging to the charity or by mortgage of the premises in Goat Street, and to purchase with the proceeds a new site for a school and erect said new school thereupon.

Scheme referred to in the foregoing Order.

Power to mortgage.

9th. That if at any time it shall appear to the feoffees and trustees that any part of the charity lands may be beneficially let for building purposes, or otherwise for any longer term than twenty-one years in possession, or for mining purposes, such feoffees and trustees shall be at liberty to lay proposals for granting such building, mining, or other leases or lease before the master to whom this matter may stand transferred. And the said master, if it shall appear to him upon due investigation that the same would be beneficial to the charity, shall report the particulars and conditions of such proposed leases or lease with his opinion thereon, and the feoffees and trustees may apply to the Court for the confirmation of the said report, and for the consequential directions, in the same way as if the said report had been made upon a reference made by the Court to the master on the subject.

10th. That as the present school-house and premises in Goat Street are in a ruinous condition and wholly unfit for use, it shall be lawful for the feoffees and trustees to pull down the same and sell the materials, and when and so soon as the feoffees and trustees shall be able by mortgage of the said charity lands, or by mortgage or sale of the said school premises as aforesaid or otherwise, together with the produce of such materials, to obtain a sufficient sum for the purpose, they shall cause to be built, on the same or other site, proper school premises including, if the funds will admit thereof, a house for the residence of the master.

School to be built.

11th. That in the meantime, and until a proper school-house and premises shall have been erected under the provisions of the last clause, the trustees shall hire proper rooms or a proper room for carrying on the said school, and shall pay the rent for the same out of the annual income of the charity.

To hire rooms.

12th. That so far, and to such number as it shall appear to the trustees for the time being, that boys can properly and conveniently be received therein the said school shall be open to the sons of all inhabitants of the borough of Swansea aforesaid, provided that a preference as to admission to the said school shall at times be given to the number of twenty to the sons of the poorer freemen or burgesses of Swansea.

Admission of scholars.

13th. That up to the number of twenty, all sons of the poorer freemen or burgesses of Swansea aforesaid who may be admitted to the school, shall receive their education therein free of any charge or payment whatsoever.

Number of free scholars.

14th. That there shall be a uniform system of education in the school which shall consist of instruction in Latin, Greek, and English grammar, reading, writing, and arithmetic, and such other subjects of learning as the said trustees with the advice of the heir-at-law of Bussy Mansell, if of full age, shall from time to time direct and the master shall read daily in the school

System of education.

Scheme referred to in the foregoing Order. some appropriate prayers from the Liturgy accompanied by the reading of a suitable portion of the Holy Scriptures, and in the case of children of the members of the Established Church, he shall take care that they are well versed in the Church Catechism but care shall be taken to respect the religious scruples of the children of parents not of the Established Church.

Daily prayers.

Payments of scholars. 15th. That every boy (other than the sons of the poorer freemen or burgesses of Swansea aforesaid to the number of twenty) shall on his admission to the said school pay such sum by way of entrance fee not exceeding the sum of twenty shillings, as the trustees shall from time to time appoint, and shall during his continuance in the said school, pay such weekly sum by way of head 10 money not exceeding the sum of two shillings and sixpence a week, as the trustees shall from time to time fix, which several sums of entrance money and head money shall be paid to the trustees, or to such person as they may from time to time appoint to receive the same.

Age. 16th. That no boy shall be received in the said school under the age of eight, or continue therein after such age as the trustees from time to time shall fix, and that a true register in writing shall be kept of all boys educated in the said school.

Register.

Conduct of scholars. 17th. That in case any one of the scholars shall be guilty of gross misbehaviour or improper conduct, or be irregular in his attendance at the school or 20 shall wilfully transgress the rules or orders of the said trustees for the management of the school and for the good government of the scholars therein, the master may admonish or punish him thereupon, and if no amendment or reform shall take place, he shall report the same in writing to the trustees, whereupon it shall be lawful for them, if they should think proper to make an order for the master to suspend or expel such child from the school, and that thereupon, but not otherwise, the master shall suspend or expel such child accordingly.

Regulations of school. 18th. That the trustees for the time being shall have power to make fresh regulations from time to time touching the mode of education of the scholars of the said school, and on all other matters and things relating to the internal 30 management of this charity, and from time to time to repeal or vary any such future regulations and to make others in lieu thereof, and all such regulations shall be considered as and be part of the present scheme, provided that it be not inconsistent with the provisions of the present scheme.

Appointment of master. 19th. That when and so often as the office of master shall become vacant, the heir-at-law for the time being of the said Bussy Mansell, if of full age, shall nominate and appoint some fit and proper person to fill such vacancy, and in the event of such vacancy happening during the minority of such heir-at-law, or if at any time hereafter it shall not be known who is such heir-at-law by 40 mediate or immediate descent then, and in either of such cases the Bishop of St. David's for the time being shall by writing under his hand and seal appoint some fit and proper person to be such master. Provided always that the heir-at-law of the said Bussy Mansel, if of full age, or during the minority of such heir-at-law, or in the event of such heir-at-law not being known, the Bishop of St. David's for the time being shall have full power and authority for palpable

neglect of duty, or if he shall take or accept of a living, benefice, or cure of souls, to remove and dismiss any master, and to appoint another person in his stead.

Scheme referred to in the foregoing Order.

Disposal of income.

20th. That out of the general income arising from the charity property, there shall be paid and applied in the first place such sum as may be required to provide for the interest of any sum which may be raised by mortgage as hereinbefore provided for, and until such proper school premises shall be built, such sums as may be required to obtain a proper room or rooms for carrying on the said schools, and also such sum as may be required for the necessary repairs of the school premises when built, and the residue of such general income, excepting such part as may arise from the working of minerals under the said lands, shall be paid to the master of the said school for the time being. Provided always, that if at any time hereafter any sums of money or income shall be derived to the said charity from taking and working of any minerals from under the said charity property such sum or income shall not be considered as parts of the general income of the said charity, but the same shall be from time to time invested by the said trustees in the name of any three of them in Government securities, and the dividends which shall from time to time arise thereon shall be received and applied as part of the general income of the said charity, either in increase of the salary of the master of the said school or otherwise for the benefit of the said school, as the trustees for the time being shall direct.

Income from minerals.

21st. That the £20 paid by the Corporation of Swansea aforesaid shall be paid to the master of the said school for the time being.

Corporation grant.

22nd. That the income arising from the entrance money and head money in each quarter of the year shall be divided into two equal parts, and one of such parts shall be paid to the master for the time being, and the other part shall be paid and applied by the trustees in such manner and proportion as they at any one of their two general meetings shall direct, either in augmenting the salary of the master, or in providing other masters, or in such other manner as to the said trustees at any such meeting shall be considered most beneficial for promoting the objects of the school, and by them at such meeting be directed to be applied.

Income from scholars.

23rd. That the scheme, together with the deeds of foundation shall be printed, and a copy thereof shall be given to each of the seoffees and trustees of the said school, and to every other person who may hereafter become a trustee; and that every master appointed to the said school shall (previously to his entering into such office) sign and subscribe a copy thereof to be left with the said trustees.

Scheme to be printed.

24th. That the trustees shall provide a proper depository for the safe keeping of the deeds, books, and papers of the said charity, and shall deposit the same therein, and cause a full list or schedule of such deeds, books, and papers to be made and deposited therewith.

Deposit for deeds.

Extract from
Bye-Laws
adopted by
Feoffees on
18th August,
1862.

No. 8.—Extract from the Bye-Laws and Regulations of the Swansea Grammar School approved and adopted by the Feoffees, the 18th day of August, 1862, and signed by George Grant Francis, F.S.A., Chairman.

8. The head master shall daily read prayers from the Liturgy, and cause the same to be accompanied by suitable readings from the Holy Scriptures. The master shall take care that the scholars be well versed in the Church catechism, except in cases where the parents or guardians of any scholar, by a request in writing to the master, shall desire its omission, whereupon the master shall, in lieu thereof, set such scholar some other appropriate task, and such request shall be attached to the form of application and preserved therewith.

Scheme for
the adminis-
tration of
Funds.

No. 9.—Scheme for the Administration of Funds.

SUBMITTED TO THE COMMITTEE OF COUNCIL ON EDUCATION.

No. 3.—(W.I.E.).

County.—Glamorgan.
County Borough.—Swansea.
Endowments.—Funds under Welsh
Intermediate Education Act,
1889, and Local Taxation Act,
1890.
Grammar School.

20

E
52,476.



CHARITY COMMISSION.

In the Matter of the Funds applicable, out of the Borough Rate and moneys provided by Parliament, and out of the Local Taxation (Customs and Excise) Duties, to the Intermediate and Technical Education of the inhabitants of the County Borough of Swansea;

In the Matter of the Free Grammar School in Swansea regulated by a Scheme of the Court of Chancery of the 5th July, 1850;

In the Matter of the Welsh Intermediate Education Act, 1889;

30

In the Matter of the Local Taxation (Customs and Excise) Act, 1890; and

In the Matter of the Endowed Schools Act, 1869, and Amending Acts.

Scheme for the administration of the Funds applicable to the Intermediate and Technical Education of the Inhabitants of the County Borough of Swansea

under the above-mentioned Acts and of the above-mentioned Grammar School.

Scheme for the administration of Funds.

PART I.—DEFINITION OF TERMS.

1. In this scheme all words and expressions shall have the meanings assigned to them in the Interpretation Act, 1889; and the following words and expressions shall, unless the contrary intention appears, have the meanings hereinafter assigned to them:—

Interpreta-
tion clause.

“The Welsh Act” means the Welsh Intermediate Education Act, 1889.

10 “Intermediate Education,” “Technical Education,” and “County,” have the meanings assigned to them in the Welsh Act.

“Wales” means the Principality of Wales and the County of Monmouth.

“Central Board” means the Central Welsh Board for Intermediate Education approved by the Treasury for the examination and inspection of schools established by competent authority under the Welsh Act, or otherwise, for the general advancement of intermediate and technical education for Wales as a whole, or for the County Borough of Swansea, and at least four other counties of Wales; and any reference thereto shall be read as if the words “if and when established” had been added after the words “Central Board.”

20 “The Treasury Grant” means the sums paid in each year by the Treasury in aid of schools in the County Borough of Swansea under section 9 of the Welsh Act.

“The Treasury Regulations” means the regulations made by the Treasury in force for the time being as to the amount, payment, and distribution of the Treasury grant.

“Head Master” includes “Head Mistress,” and “Master” includes “Mistress.”

“Scholar” means a boy or girl attending school.

30 “Parent” means parent, guardian, or other person who is liable to maintain or (otherwise than as a schoolmaster) has the actual custody of a child.

Words in this scheme referring to a school, schoolmaster, parent or scholar, shall be construed distributively as referring to each school, schoolmaster, parent or scholar to which or to whom a provision is applicable.

PART II.—FUNDS AND GENERAL OBJECTS OF SCHEME.

2. The Town Council of Swansea shall pay to the governing body hereinafter constituted—

Funds included in the Scheme.

(a) Out of the borough rate in respect of the local financial year current at the date of this scheme and of every succeeding local financial

year, as an annual contribution towards the expenses of carrying this scheme into effect, the sum produced in each such year by a rate of one halfpenny in the pound on the aggregate amount of the rateable value of the property in the borough, as ascertained for the purpose of the levy of county contributions.

(b) In respect of the residue of the English share of the local taxation (Customs and Excise) duties paid to the local taxation account in each year, out of the sum carried to the Exchequer contribution account of the county fund of the county, for the three local financial years, 1890 to 1893 the whole, and for every succeeding local financial year, one-third, of all sums received by the Town Council in each such year under the provisions of the Local Taxation (Customs and Excise) Act, 1890. Such sums are hereinafter referred to as the "exchequer contribution."¹⁰

There shall also be paid to the governing body—

(c) The Treasury grant.

The sums so received by the governing body together with—

(d) The endowments of the above-mentioned grammar school set out in the Second Schedule, with all other endowments thereof, if any, and
(e) Additional donation, or endowments which may, subject to this scheme, hereafter be received by the governing body for the general advancement of the intermediate or technical education of the inhabitants of the county borough, or for any special objects connected therewith,²⁰

Shall be administered by the governing body under the name of the Swansea Intermediate and Technical Education Fund, hereinafter called the general fund, in accordance with the provisions of this scheme.

3. There shall, as soon as conveniently may be after the date of this scheme, be constituted, for the advancement of the intermediate and technical education of the inhabitants of the county borough of Swansea, hereinafter called the borough, a governing body, which shall consist, subject as hereinafter provided, of nineteen representative governors, and two coöptive governors.³⁰

The representative governors shall be appointed—

Twelve by the Town Council of Swansea.

Three by the School Board of the Swansea United District.

One by the duly constituted bodies of managers of such public elementary schools in the same district as are not provided by the said School Board.

One by the Senate of the University College of South Wales and Monmouthshire.

One by the Senate of the University College of Wales, Aberystwyth.

One by the Glamorgan County Governing Body if and when constituted under the Welsh Act; and until then by the Glamorgan County Council.

The coöptive governors shall be appointed by the general body of governors.

Scheme for the administration of funds.

4. There shall be added to the governing body such additional representative governors, if any, as may be appointed for the purposes of the Technical Instruction Act, 1889, by a local authority under that Act.

Coöptive Governors.

Additional Governors under Technical Instruction Act, 1889.

Additional Governors for Girls' School.

5. For the management of all matters relating only to the girls' school, hereinafter mentioned there shall be appointed, as additional governors, four women, viz., two additional representative governors, to be appointed by the Swansea Town Council, and two additional coöptive governors. Such additional governors shall be entitled to attend, take part, and vote in all proceedings of the governing body which have reference to the girls' school, but not further or otherwise.

Schools.

6. There shall, as soon as conveniently may be after the date of this scheme, be established and maintained, in or near the borough, schools of intermediate and technical education, to be called the Swansea Intermediate and Technical Schools, one for boys and one for girls, as hereinafter provided.

PART III.—GENERAL PROVISIONS AS TO THE GOVERNING BODY.

Religious opinions of Governors.

7. Religious opinions, or attendance or non-attendance at any particular form of religious worship, shall not in any way affect the qualification of any person for being a member of the governing body under this scheme.

Religious opinions of Governors.

8. Every appointment of a representative governor by an electing body shall be made at a meeting thereof convened and held, as nearly as may be, in accordance with the ordinary rules or practice, if any, of such body, or, in case of need or doubt, in accordance with rules to be made or approved by the Charity Commissioners.

Appointment and term of office of Representative Governors.

The appointment of representative governors by the bodies of managers of public elementary schools shall be made in accordance with the regulations contained in the first schedule, or such other regulations as shall be made or approved by the Charity Commissioners.

30 The person appointed need not be a member of the body appointing.

Of the first representative governors appointed by the Town Council, not being additional governors, one-third shall be appointed to office for the term of five years, and another one-third for the term of four years.

In case of a vacancy in the office of any of these governors, the person elected to fill the vacancy shall hold office for the remainder of the term of five or four years, as the case may be, of the governor whose office has been vacated. Such casual vacancy may be filled either from among the body of governors or from outside that body.

Other representative governors shall be appointed to office, each for the term of three years, except additional governors appointed by the local authority under the Technical Instruction Act, 1889, who shall be appointed to office for such term as the local authority may determine.

Scheme for
the adminis-
tration of
funds.

Except as aforesaid, on the ordinary day of election of representative governors in every year after the third year from the coming into operation of this scheme, one-third of the whole number (excluding additional governors), shall go out of office, and their places shall be filled by election. The third to go out shall be those who have been longest in office without re-election, and subject thereto any difficulty arising upon this point shall be decided by lot.

The chairman, or other presiding officer, of a meeting at which the appointment of any representative governor shall be made, shall forthwith cause the name of the person so appointed to be notified, in the case of a first appointment, to the Joint Education Committee or the Town Council, and in 10 other cases to the clerk of the governing body.

Appointment
and term of
office of
Coöptive
Governors.

9. The first coöptive governors, instead of being two shall be five persons to be appointed within six months from the date of this scheme by the present feoffees of the grammar school or the survivors of them. They shall be deemed to be appointed to office for the term of five years from the date of this scheme. Other coöptive governors shall be appointed by the general body of governors at a special meeting, each for the term of five years.

Vacancies.

10. A governor, who shall be adjudicated a bankrupt, or become incapacitated to act, or shall notify in writing to the governing body a wish to resign, or shall for the space of two consecutive years be absent from all meetings, 20 shall thereupon cease to be a governor. The governing body shall cause an entry to be made in their minute book of every vacancy in the governing body; and as soon as conveniently may be after a vacancy, a new governor shall be appointed by the body entitled as aforesaid to make such appointment.

Notice of every vacancy of the office of a representative governor shall be given, as soon as conveniently may be, by or under the direction of the governing body to the proper electing body.

No vacancy in the office of coöptive governor shall be deemed to have occurred until the number of the first coöptive governors is reduced below two.

30

Any competent governor may be re-appointed.

Declaration
by Governors.

11. Every governor shall, at or before the first meeting which he attends upon his first or any subsequent entry into office, sign a memorandum declaring his acceptance of office, and his willingness to act in the trusts of this scheme, and until he has signed such memorandum, shall not be entitled to act as a governor.

Governors
may act
although body
not full.

12. After the expiration of two months from the date of this scheme, the governors for the time being, if a quorum is formed, may act for all the purposes of this scheme, although the number of the governing body as herein-before constituted is not full.

40

Meetings,
ordinary and
special

13. The governing body shall hold at least two ordinary meetings in each year in such place as they shall from time to time appoint.

The chairman or any two governors may at any time summon a special meeting for any cause that seems to him or them sufficient.

Scheme for the administration of funds.

14. Notice in writing of every meeting shall be delivered or sent by post to each member at least four clear days before such meeting, or, in the case of an adjourned meeting, at least two clear days before such meeting. Every notice of meeting shall state the place, day, and hour of meeting, and the business to be transacted thereat. Only business so stated, or incidental thereto, shall be transacted at a special meeting.

15. Subject as hereinafter provided, there shall be a quorum when more than a third of the whole number of governors are present at a meeting.

Notice of Meetings and business.

16. Every question at a meeting, except as herein provided, shall be determined by a majority of the governors present and voting on the question, and in case of equality of votes the chairman shall have a second or casting vote.

17. Any resolution of the governing body may be rescinded or varied at a special meeting.

Rescinding resolution.

18. The governing body shall, at their first ordinary meeting in each year elect one of their number to be chairman of their meetings for such year. They shall make regulations for supplying his place in case of his death, 20 resignation, or absence. The chairman shall always be re-eligible.

19. The governing body shall provide and keep a minute book in which shall be entered minutes of the entry into office of every new Governor, and of all proceedings of the body.

20. The governing body shall make out and render to the Charity Commissioners such accounts as shall be required by them.

The governing body shall, on rendering such accounts for any year, furnish copies of them to the Town Council, and publish abstracts of them in two newspapers circulating in the Borough.

They shall also, in some convenient place, in the Borough, exhibit, for public inspection, copies of the accounts so rendered for such year, giving due public notice where and when the same may be seen, and shall at all reasonable times allow the accounts so rendered for any year or years to be inspected, and copies thereof or extracts therefrom to be made, by all persons applying for the purpose.

21. The governing body may from time to time make such arrangements as they may find most fitting for the custody of all deeds and other documents belonging to them, for deposit of money, for the drawing of cheques, and for the appointment of a clerk or of any necessary agents for their assistance in the conduct of business.

Business arrangements.

Scheme for
the adminis-
tration of
funds.

Power to make
regulations.

Members not
to be
interested in
property or
contract or to
receive pay
from
Governing
Body.

Vesting
property in
Official
Trustees.

Management
and letting of
property.

Timber and
minerals.

22. Within the limits prescribed by this scheme, the governing body may from time to time make regulations for the conduct and management of their business and property, and such regulations shall be binding on all persons affected thereby.

23. No member of the governing body shall, save as a trustee for the purposes of this scheme, directly or indirectly either for his own benefit, whether solely or jointly with any other person, or for the benefit of another—

- (a) hold or occupy any land subject to this scheme or any interest therein;
- (b) have a share or pecuniary interest (except as a vendor, purchaser, or lessor of land) in any contract with, or employment by, or work on behalf of, the governing body under this scheme; or
- (c) in any way receive remuneration for services rendered to, on behalf of, or as a member of, the governing body under this scheme.

24. The freehold and leasehold land and hereditaments comprised in this scheme, so far as not already so vested, are hereby vested in the Official Trustee of charity lands for all the estate and interest therein belonging to or held in trust for the governing body.

All stocks, shares, funds, and securities belonging to the governing body shall be forthwith transferred under the authority of an order of the Charity Commissioners into the name of the official trustees of charitable funds. The governing body and all other persons capable of being bound by this scheme shall, unless the Charity Commissioners otherwise order, do all such acts as may be necessary in order to vest in the official trustee of charity lands all the freehold and leasehold land and hereditaments and to transfer to the official trustees of charitable funds all the stocks, shares, funds, and securities, which may hereafter belong to the governing body.

25. The property of the governing body not occupied for the purposes of a school shall be let or otherwise managed by them according to the general law applicable to the management of property by trustees of charitable foundations.

All payments for rates, taxes, repairs, and insurance of, or in respect of, any such property occupied for the purposes of a school shall, so far as not otherwise provided for, be made out of the income applicable to the purposes of such school.

26. Any money arising from any mines or minerals on the estates of the governing body may, unless the Charity Commissioners otherwise order, be treated as income, but any such money not so treated and any money arising from the sale of timber on such estates shall, unless the Charity Commissioners otherwise order, be treated as capital and shall be invested in the name of the official trustees of charitable funds.

27. The governing body may receive any additional donations or endowments for the general purposes of this scheme, or for any special objects connected therewith, which shall not be inconsistent with or calculated to impede the due working of the scheme. Any question arising upon this last point shall be referred by the governing body to the Charity Commissioners for decision.

Scheme for
the adminis-
tration of
funds.

Further
endowments.

PART IV.—FUNCTIONS OF GOVERNING BODY.

28. The governing body shall invest and carry to a separate account, to be called the Building Fund, the exchequer contributions received by them in respect of the three local financial years, 1890 to 1893, and any sum received from the Town Council of Swansea as the capitalised value of the yearly sum of £20, now payable by the said Town Council to the head master of the grammar school.

School
Building
Fund.

They may, with the sanction of the Charity Commissioners, invest such part of the Building Fund as is not immediately required for building, and apply the income thereof in hiring temporary school buildings and a playground, and may for this purpose if they think fit, and upon terms to be approved by the Charity Commissioners, take over from the Girls' Public Day School Company, Limited, the lease of the buildings in the borough now occupied by that company for the purposes of a High School for Girls.

26

29. The governing body shall, as soon as conveniently may be, for the purpose of the allotment of the Treasury Grant, apportion the amount received by them out of the borough rate between the schools to which any payment out of the General Fund is by this scheme directed to be made, and shall set out the result of such apportionment in a schedule, which shall be submitted to the Charity Commissioners for their approval.

Apportion-
ment of
Borough
Rate betw. on
Schools.

30. The governing body shall, out of the income of the General Fund, first pay the expenses of management and other outgoings in respect of property and business.

Expenses of
Management.

31. The governing body may pay to the central board a yearly sum, being not more than £60, or such proportion of the sum received by them out of the county rate as may be agreed upon by them in concert with the county governing bodies of at least four other counties in Wales, if the following conditions shall have been fulfilled:—

Payment to
Central
Examination
Body.

- (a) That the central board shall be entitled to receive from at least four other counties in Wales similar yearly sums.
- (b) That the duties of such body shall include the examination and inspection of the schools, and of the schools established or conducted under the Welsh Act in at least four other counties in Wales.

Scheme for the administration of funds.

Reservation of sum for county educational purposes.

Payments from general fund for schools.

Application of girls' schools funds pending establishment of school.

Repairs and improvements fund.

Residue of general fund.

Yearly examination of schools.

32. Subject to such payments, the governing body shall at the beginning of each year, out of the income of the general fund, set aside and retain such sum as shall be estimated to be sufficient to meet the expenses to be incurred by them as in this scheme provided, (1) for the examination and inspection of schools; (2) for Swansea scholarships; (3) for Swansea exhibitions; and (4) for contributions to pension fund.

33. The governing body shall, out of the residue of the income of the general fund, apply a sum of not less than £1200 and not more than £1400 a year towards the maintenance of the boys' school, and a sum of not less than £800 nor more than £1000 a year towards the maintenance of the girls' school. 10

34. Until the girls' school has been established the governing body may, out of the income applicable under the provisions of this scheme for the maintenance of that school, apply a yearly sum of not more than £200 in maintaining scholarships and exhibitions to be awarded to girls residing in the borough of Swansea, and tenable at any institution of intermediate or technical education approved by the governing body. Subject as aforesaid these scholarships and exhibitions shall be awarded and held under the conditions herein-after prescribed in relation to Swansea scholarships and Swansea exhibitions. Any income applicable as aforesaid not applied in maintaining scholarships and exhibitions under this clause shall be transferred to and become part of 20 the building fund.

35. The governing body shall every year, out of the income of the general fund, carry a sum of £70 to a separate account, entitled "repairs and improvements fund," until such fund amounts to £2600. The income of such fund shall be applied by them in ordinary repairs or improvements of property used for the purposes of the schools, and if not wanted for that purpose shall be accumulated for the like purpose in any future year.

36. The governing body may apply the residue of the income of the general fund towards all or any of the above-mentioned objects, or for other objects for the advancement of the intermediate and technical education of 30 the inhabitants of the borough.

Any part of such income remaining in hand at the end of a year, and not needed as a balance for meeting current expenses shall be treated as capital and invested in the name of the official trustees of charitable funds in augmentation of the general fund.

37. The governing body shall, either by themselves or in concert with the central board as to the governing body shall seem fit, provide and pay for a yearly inspection and examination of each school by competent examiners unconnected with the schools. In carrying out this clause they shall comply with the Treasury regulations. 40

The Charity Commissioners may in any year by an order direct that examiners for either school shall for that year be appointed in any other

manner, and examiners for that school shall for that year be appointed in the manner so directed.

The examiners shall report in writing to the governing body on the proficiency of the scholars, and on the condition of the school as regards organization, methods of instruction, and discipline, as shown by or in the course of the inspection and examination.

The governing body shall send copies of the examiners' report to the head master of the school, and to the Charity Commissioners.

38. The governing body may from time to time make arrangements with the county governing body of any other county in Wales for the admission of children from such other county to a county school in the borough, or for the admission of children from the borough to a county school established under the Welsh Act in another county; or may from time to time act in concert with any such county governing body for any purpose, not inconsistent with the provisions of this scheme, that they may think desirable.

Scheme for the administration of funds.

Arrangements as to schools and funds with governing bodies of other counties in Wales.

PART V.—TRANSITORY PROVISIONS.

39. Until the completion of the full number of the governing body, or the expiration of the first two months, or further time, if any, allowed under this clause, from the date of this scheme, the present governing bodies of the above-mentioned Swansea Grammar School shall, so far as relates to any endowment under this scheme, remain unaltered and shall retain such powers as will enable them to administer the same in the meantime under this scheme, but on such completion or expiration, whichever shall first happen shall become *ipso facto* discharged from their office, and the administration of such endowment shall pass to the governing body hereby constituted. Such period of two months may be extended as to any of the said governing bodies, if necessary, by an order of the Charity Commissioners, made upon the application of any of the said governing bodies or of the governing body hereby constituted.

Transfer of administration of endowments to county governors.

40. So far as may not be inconsistent with anything contained in the Endowed Schools Acts, 1869 to 1889, the Swansea Grammar School may be carried on as heretofore until the end of the school term, if any, current at the date of this scheme, or until such other time as may, with the approval of the Charity Commissioners, be fixed by the governing body hereby constituted, but, except as aforesaid, shall not henceforth be so carried on.

Temporary school arrangements for grammar school.

41. The present head master of the Swansea Grammar School, the Reverend John Young, M.A., shall, if willing, take and hold the office of head master of the school for boys under this scheme.

Present head master of grammar school.

42. No boy who is and on the 17th day of March, 1892 was in the Swansea Grammar School, and is admitted to the school for boys under this scheme, shall be liable to any payments to which he might not have been liable if this scheme had not been made.

Reservation of interests of scholars of grammar school.

Any holder of a scholarship in the same school awarded on or before that day, shall be entitled to hold it in the school for boys under this scheme, subject as nearly as may be to the conditions on which he now holds it.

Any holder of an exhibition from the same school awarded on or before that day shall be entitled to hold it as if this scheme had not been made.

PART VI.

THE SCHOOLS.

Schools.

43. Each school shall be a day school, and, if the governing body so determine, a boarding school.

Treasury,
science and
art, and
technical
instruction
grants.

44. Each school shall be so conducted as to allow of a grant being made 16 in aid of it by the Treasury under the Welsh Act and also by the Department of Science and Art.

It may also be so conducted as to receive aid from a local authority under the Technical Instruction Act, 1889.

School
buildings.

45. The governing body shall (in the case of the boys' school by altering or adding to the existing buildings of the Grammar School) provide for the schools proper buildings, including, for the boys' school, chemical and physical laboratories and workshops, and for the girls' school a kitchen and laundry, planned with a view to convenient extension, and suitable for not less than 200 day scholars in the boys' school, and for not less than 150 day scholars in 20 the girls' school, and for such number of boarders, if any, as may be thought fit. The governing body shall also provide for the school proper furniture, fittings, and apparatus. The accommodation for boarders (if any) shall be provided otherwise than out of money derived from the general fund or from the fees of day scholars.

The governing board may apply a sum of not more than £1000 out of the building fund in or towards defraying the cost of altering or adding to the buildings of the Grammar School, and the residue of the building fund shall be applicable to providing a site and buildings for the girls' school.

For all the purposes of this clause the governing body shall act subject to 30 the approval of the Charity Commissioners.

THE TEACHING STAFF.

Head master.
Appointment.

46. The head master of the school shall have taken a degree in the United Kingdom or the British possessions, or shall be a duly qualified Science and Art teacher under the regulations of the Department of Science and Art in force for the time being, or have such other qualification or certificate or other test of attainments as may be fixed from time to time by regulation of the governing body. Every head master shall, subject as hereinbefore provided, be appointed at a special meeting of the governing body, to be held, in the case of a first appointment, as soon as conveniently may be after 40 the fulfilment of the conditions hereinbefore prescribed as to the provision of a

site and buildings for the school, and in other cases as soon as conveniently may be after a vacancy or after notice of an intended vacancy.

In order to get the best candidates, the governing body, before making an appointment, shall give public notice of the vacancy, and invite applicants for the office by advertisements in newspapers, or by such other means as they may judge best calculated to secure the object.

Scheme for
the adminis-
tration of
funds.

47. The governing body may at pleasure dismiss the head master without assigning cause, after six months' written notice given to him in pursuance of a resolution passed at two special meetings held at an interval of not less than fourteen days, such resolution being affirmed at each meeting by not less than two-thirds of those present and voting on the question.

Dismissal at
pleasure.

48. The governing body, for what in their opinion is urgent cause may, by a resolution passed at a special meeting, and affirmed by not less than two-thirds of the whole number of the governing body for the time being, declare that the head master ought to be dismissed from his office as in this clause provided, and in that case they may appoint a second special meeting to be held not less than a week after the first, and may, by a like resolution passed at such second meeting and affirmed by not less than two-thirds of the whole number of the governing body for the time being, thereupon absolutely and finally dismiss him. And if at the first of such meetings the governing body think fit at once to suspend the head master from his office until the second of such meetings, they may so suspend him by a resolution affirmed by not less than two-thirds of the whole number of the governing body for the time being. Full notice and opportunity of defence at both such meetings shall be given to the head master.

Dismissal for
urgent cause.

49. The head master before taking office under this scheme shall sign a declaration, to be entered in the minute book of the governing body, to the following effect ;—

Declaration by
head master.

“I, , declare that I will always to the best of
30 “ my ability discharge the duties of head
“ of the Swansea Intermediate and Technical School for
“ during my tenure of the office, and that if I am
“ removed therefrom I will thereupon acquiesce in such removal and
“ relinquish all claim to the office and its future emoluments, and
“ deliver up to the governing body, or as they direct, possession of
“ all the property of the school then in my possession or occupation.”

50. The head master shall dwell in the residence, if any, assigned for him. The occupation and use of such residence, and of any other property occupied by him as head master, shall be had by him in respect of his official character and duties, and not as tenant, and if he is removed from his office he shall deliver up possession of such residence and other property to the governing body, or as they direct. He shall not, except with their permission,

Head master's
official
residence.

Scheme for
the adminis-
tration of
funds.

Head master
not to have
other
employment.

Masters not
required to be
in holy orders.

Masters not to
be governors.

Masters not to
receive other
than
authorised
fees.

Jurisdiction of
governing
body over
school
arrangements.

Views and
proposals of
head master.

Jurisdiction
of head master
over school
arrangements.

Assistant
masters and
payments for
school objects.

permit any person, not being a member of his family, to occupy such residence or any part thereof.

51. The head master shall give his personal attention to the duties of the school, and shall not hold any ecclesiastical office or undertake any office or employment interfering with the proper performance of his duties as head master.

52. No person shall be disqualified for being a master in the school by reason only of his not being, or not intending to be, in holy orders.

53. No head master or assistant master shall be a member of a governing body under the Welsh Act. 10

54. No head master or assistant master shall receive or demand from any scholar in the school, or from any person whomsoever on behalf of any such scholar, any gratuity, fee, or payment, except such as are prescribed or authorised by or under this scheme.

55. Within the limits fixed by this scheme, the governing body shall prescribe the general subjects of instruction, and the relative prominence and value to be assigned to each group of subjects. They shall make arrangements respecting the school terms, vacations, and holidays, the payments of day scholars, and the number and payments of boarders, if any. They shall take general supervision of the sanitary condition of the school buildings and 20 arrangements. They shall fix the number of assistant masters to be employed. They shall every year fix the amount which they think proper to be paid out of the income of the school for the purpose of maintaining assistant masters and providing and maintaining a proper school plant or apparatus.

56. Before making any regulations under the last foregoing clause, the governing body shall consult the head master in such a manner as to give him full opportunity for the expression of his views. The head master may also from time to time submit proposals to them for making or altering regulations concerning any matter within their province. They shall fully consider any such expression of views or proposals and shall decide upon them. 30

57. Subject to any rules prescribed by or under the authority of this scheme, the head master shall have under his control the choice of books, the method of teaching, the arrangement of classes and school hours, and generally the whole internal organization, management, and discipline of the school, including the power of expelling scholars from the school or suspending them from attendance thereat for any adequate cause to be judged of by him, but on expelling or suspending any scholar he shall forthwith report the case to the governing body.

58. The head master shall have the sole power of appointing and may at pleasure dismiss all assistant masters in the school, and shall determine, subject

to the approval of the governing body, in what proportions the sum fixed by them for the maintenance of assistant masters and school plant and apparatus shall be divided among the various objects for which it is fixed in the aggregate, and the governing body shall pay the same accordingly either through the hands of the head master or directly as they think best.

Scheme for
the adminis-
tration of
funds.

59. There shall be paid a fixed yearly stipend of £200 to the head master and £150 to the head mistress; and also a capitation payment calculated on such a scale, uniform or graduated, as may be fixed from time to time by the governing body, at the rate of not less than £2 nor more than £4 a year for 10 each scholar in the boys' school to the head master, and not less than £1 nor more than £3 for each scholar in the girls' school to the head mistress.

Income of
head master

In the event of the total sum payable under this clause amounting to more than £1000 a year for the head master, or to more than £800 a year for the head mistress, the governing body may from time to time alter the amount of the fixed stipend and of the capitation payments so as to reduce such total sum to not less than £1000 a year for the head master or to £800 a year for the head mistress.

60. The governing body may, if they think fit, and the income at their disposal suffice for the purpose, agree with a head master for the formation of 20 a fund in the nature of a pension or superannuation fund, to be invested in the name of the official trustees of charitable funds, the main principles of such agreement being that the head master and the governing body respectively shall contribute yearly, for a period of twenty years such sums as may be agreed on; that these contributions shall accumulate at compound interest; that in case the head master serves his office for such twenty years he shall, on his retirement, be entitled to the whole accumulated fund; that in case he retires earlier on account of permanent disability from illness he shall also be entitled to the whole of the same fund; that in all other cases he shall, on his ceasing to be head master, be entitled to the amount produced by his own 30 contributions.

If any question shall arise upon the construction or working of this provision, the same shall be referred by the governing body to the Charity Commissioners, whose decision thereon shall be final and conclusive.

SCHOLARS AND SCHOOL FEES.

61. No scholar shall be admitted to the school under the age of eight years. No scholar shall remain in the school after the age of eighteen years, or, if a scholar attains that age during a school term, then after the end of such term, except with the permission of the governing body, which, in special cases, may be given until the age of nineteen years upon the written recommendation of the head master.

Age of
school.

62. Subject to the provisions established by or under the authority of this scheme, the school and all its advantages shall be open to all children of 40 To whom
school is open.

good character and sufficient health who are residing with their parents, or near relations within degrees of kindred to be fixed by the governing body, or in lodgings to be provided or licensed for that purpose by them, or are boarding under regulations made by them in a hostel of the school or in the house of a master. No one not so residing or boarding shall be admitted to the school without the special permission of the governing body.

If there is not room for all applicants found fit for admission as hereinafter provided, preference shall be given to such of them as are inhabitants of the borough.

63. Applications for admission to the school shall be made to the head master, or to some person appointed by the governing body, according to a form to be approved by them and delivered to all applicants. 10

64. The head master or some person appointed by the governing body shall keep a register of applications for admission, showing the date of every application and of the admission, withdrawal, or rejection of the applicant, and the cause of any rejection, and the age of each applicant.

65. No applicant for admission shall be admitted to the school unless after

- (a) Passing an examination to be prescribed by the governing body from time to time equivalent to an examination in the Fifth Standard of a 20 Public Elementary School as fixed by the Code of Minutes of the Education Department in force for the time being, or
- (b) If a scholar in a Public Elementary School after reaching that standard.

Those who are found fit shall, subject to the provisions of this scheme, if there is room for them, be admitted in order, according to the dates of their application.

66. All scholars, including boarders, if any, except as herein provided, shall pay tuition fees, to be fixed from time to time by the governing body, at the rate of not less than £6 nor more than £10 a year for each scholar in the 30 boys' school, and not less than £5 nor more than £10 for each scholar in the girls' school. No difference in respect of tuition fees shall be made between any scholars on account of place of birth or residence, or of their being or not being boarders.

The payments of boarders apart from the tuition fees shall be at the rate of not more than £35 a year each in a hostel of the school, and not more than £40 a year in a master's house.

No extra or additional payment of any kind shall be allowed without the sanction of the governing body and the written consent of the parent of the scholar concerned. 40

All payments for tuition fees shall be made in advance to the head master, or to such other person as the governing body shall from time to time fix, and

shall be accounted for by the person receiving them to the governing body, and be treated by them as part of the general income of the school.

Scheme for the administration of funds.

INSTRUCTION.

67. Subject to the provisions of this scheme, religious instruction in accordance with the principles of the Christian faith may be given in the school by members of the ordinary teaching staff only, under such regulations as shall be made from time to time by the governing body. No alteration in any such regulations shall take effect until the expiration of not less than one year after notice of the making of the alteration shall have been given by the governing body in such manner as they shall think best calculated to bring the matter within the knowledge of persons interested in the school.

Religious instruction.

No religious catechism or religious formulary which is distinctive of any particular denomination, shall be taught to a scholar attending as a day scholar at the school.

The times for prayer or religious worship, or for any lesson or series of lessons on a religious subject, shall be conveniently arranged for the purpose of allowing the withdrawal of a day scholar therefrom in accordance with the provisions as to religious exemptions hereinafter contained.

68. The parent of any scholar attending the school as a day scholar may claim, by notice in writing, addressed to the head master the exemption of such scholar from attending prayer or religious worship, or from any lesson or series of lessons on a religious subject, and such scholar shall be exempted accordingly, and a scholar shall not, by reason of any exemption from attending prayer or religious worship, or from any lesson or series of lessons on a religious subject, be deprived of any advantage or emolument in the school or out of the general fund to which he would otherwise have been entitled.

Religious exemptions.

If the parent of any scholar who is about to attend the school, and who but for this clause could only be admitted as a boarder, desires the exemption of such scholar from attending prayer or religious worship, or from any lesson or series of lessons on a religious subject, but the persons in charge of the boarding houses of the school are not willing to allow such exemption, then it shall be the duty of the governing body to make proper provisions for enabling the scholar to attend the school, and as such exemption as a day scholar, without being deprived of any advantage or emolument to which he or she would otherwise have been entitled.

If any teacher in the course of other lessons at which any scholar exempted under this clause is in accordance with the ordinary rules of the school present, shall teach systematically and persistently any particular religious doctrine, from the teaching of which any exemption has been claimed as in this clause before provided, the governing body shall, on complaint made in writing to them by the parent of such scholar, hear the complaint and inquire into the circumstances, and if the complaint is judged to be reasonable, make all proper provisions for remedying the matter complained of.

69. Instruction shall also be given in the school in the following subjects, Instruction. besides reading, writing, and arithmetic;—

Geography, including commercial geography ;
 History, including scripture history ;
 English grammar, composition, and literature ;
 Mathematics, including at least euclid, algebra, and trigonometry ;
 Latin ;
 Two modern foreign European languages ;
 Natural science, with special attention to the industries of the district ;
 Drawing, including at least freehand, perspective, model, geometrical,
 and mechanical drawing ;
 Vocal music ; and
 Drill, or other physical exercises ;

10

(And for the girls' school, in place of natural science :—
 Domestic economy and the laws of health.)

Instruction may also be given in one or more of the following subjects :

Greek ;
 Welsh grammar, composition, and literature ;
 One additional modern foreign European language ;
 Mechanics ;
 Physics ;
 Chemistry ;
 Metallurgy ;
 Navigation ;
 Mensuration ;
 Shorthand ;
 Working in wood and iron ;
 Moulding ;
 Modelling in clay ;
 The use of tools (but not the practice of any specific trade) ;

20

(And in the girls' school only—

Cookery ;
 Needlework ;
 Cutting-out ;
 Laundry work ;)

30

And such other subjects of intermediate or technical education as the governing body may think fit to introduce.

Classes in scientific and technical subjects shall in all cases be associated with sufficient experimental demonstration and practical teaching.

Subject to the provisions of this scheme, the course of instruction shall be according to the classification and arrangements made by the head master.

may also mention the names of any boys who, in his judgment, are worthy of reward or distinction, having regard both to proficiency and conduct.

Scheme for
the adminis-
tration of
funds.

71. The governing body may award prizes of books or other suitable rewards as marks of distinction to any scholars mentioned as worthy of reward or distinction by the head master or by the examiners.

Prizes.

PART VII.—SCHOLARSHIPS AND EXHIBITIONS.

72. The governing body shall maintain in the school scholarships, to be called foundation scholarships, not less in number than one-tenth nor more than one-fifth of the greatest number of scholars in the school during the last term of the preceding year. The scholarships shall be tenable for one year, but may be renewed from year to year, by the governing body, on the written recommendation of the head master, while the holder of the scholarship remains in the school.

Foundation
scholarships
in the schools.

Within the limits above prescribed the number of scholarships shall be fixed by the governing body.

73. One-half of the whole number of these foundation scholarships shall consist of total exemption from tuition fees, together with, in the case of scholars whose pecuniary circumstances, in the opinion of the governing body, require it, a sum of not more than £5, to be paid out of the income of the school, and shall be awarded to children who are and have for not less than three years been scholars in any of the public elementary schools of the borough. Provided that not more than one-half of the total number so awarded shall be awarded to scholars who are in any higher grade elementary school.

Scholarships
for scholars
from public
elementary
schools.

The governing body shall make such arrangements for the elections to these scholarships as seem to them best adapted to secure the double object of attracting good scholars to the school; and advancing education at the said public elementary schools.

74. The rest of these scholarships shall consist of exemptions from one-half of the tuition fees, and shall be awarded in such proportion as the governing body may from time to time determine on the results of the entrance examination, and to scholars already in the school; but no such scholarship shall be awarded to any scholar already in the school whom the head master shall not report in writing to be deserving of it by reason of character and good conduct.

Scholarships
consisting in
exemption
from half fees

75. In special cases the governing body may at their discretion allow the holder of a foundation scholarship to hold the same in any school of intermediate or technical education in the county of Glamorgan approved by them, and in that case shall pay out of the income of the school the tuition fee payable at the school so approved.

Foundation
scholarships in
special cases.

76. The governing body shall, out of the general fund, apply a sum of not less than £20 a year, in maintaining scholarships, to be called Swansea

Swansea
scholarships
at higher
grade
elementary
schools.

Scheme for
the adminis-
tration of
funds.

scholarships, tenable for not more than three years at any higher grade public elementary school in the borough, and consisting of payment of a sum of money equivalent to the amount of the tuition fee payable in such school, together with, in the case of scholars whose pecuniary circumstances, in the opinion of the governing body, require it, a sum of not more than £10 a year.

These scholarships shall be awarded in equal proportions to boys and girls who are and have for two years been scholars in any of the ordinary public elementary schools in the borough.

The examination for these scholarships shall be in the subjects prescribed for the fourth standard of the code of minutes of the Education Department 10 in force for the time being.

Swansea
exhibitions
from the
schools.

77. The governing body may, out of the general fund, maintain exhibitions to be called Swansea exhibitions, each of a yearly value of not less than £20, tenable for not more than three years at any university, university college, or other institution of university, professional, or technical education approved by them, and to be awarded, on the result of such examination as they shall think fit, to scholars who then are and have for not less than three years been in the school.

General
conditions
as to scholar-
ships and
exhibitions.

78. All scholarships and exhibitions shall be established so as to secure as nearly as may be a regular rotation of award, and, subject as herein provided, 20 shall be awarded and held under such regulations and conditions as the governing body maintaining the same respectively think fit.

Every scholarship and exhibition shall—

- (a) Be given as a reward of merit on the result of such examination as the governing body think fit;
- (b) Be freely and openly competed for; and
- (c) Be tenable only for the purposes of education.

Any scholarship or exhibition for which there shall be no candidate qualified for the same as aforesaid who on examination shall be adjudged worthy to take it shall for that turn not be awarded.

Deprivation.

79. If the holder of a scholarship or exhibition shall in the judgment of the governing body be guilty of serious misconduct or idleness, or fail to maintain a reasonable standard of proficiency, or wilfully cease to pursue his or her education, the governing body may deprive him or her of the scholarship or exhibition, and for this purpose, in the case of a scholarship or exhibition not held at the schools established under this scheme, may act on the report of the proper authorities of the institution at which the scholarship or exhibition is held, or on such other evidence as the governing body think sufficient. Under this clause the decision of the governing body shall be final in each case.

30

40

Questions
under scheme.

PART VIII.—GENERAL PROVISIONS.

80. Any question as to the regularity or the validity of any proceeding under this scheme, or as to the construction or application of any of its provisions, shall be referred by the governing body to the Charity Commissioners



for their decision, and such decision shall be binding on the governing body and on all persons claiming under this scheme who shall be affected by the question so decided.

81. So far as relates to the schools under this scheme, all jurisdiction of the ordinary relating to or arising from the licensing of masters in any endowed school is hereby abolished.

82. From the date of this scheme all rights and powers reserved to, belonging to, claimed by, or capable of being exercised, by any person or body other than Her Majesty the Queen, as visitor of the foundation shall be transferred to Her Majesty, and all such rights and powers and also any like rights or power vested in Her on the 2nd day of August, 1869, shall be exercised only through and by the Charity Commissioners.

83. The Charity Commissioners may from time to time, in the exercise of their ordinary jurisdiction, frame schemes for the alteration of any portions of this scheme, provided that such schemes be not inconsistent with anything contained in the Endowed Schools Acts, 1869 to 1889.

84. From and after the date of this scheme the property subject thereto shall for every purpose be administered and governed wholly and exclusively in accordance with the provisions of this scheme, and as from that date every 20 Act of Parliament, letters patent, statute, deed, instrument, trust, or direction relating to the subject matter of this scheme and inconsistent with its provisions shall be repealed and abrogated.

85. The governing body shall cause this scheme to be printed and a copy to be given to every member of a governing body, head master, and assistant master upon his entry into office, and copies may be sold at a reasonable price to all persons applying for the same.

86. The date of this scheme shall be the day on which Her Majesty by Order in Council declares her approbation of it.

FIRST SCHEDULE.

30 REGULATIONS AS TO CONDUCT OF ELECTIONS OF REPRESENTATIVE GOVERNORS BY THE DULY CONSTITUTED BODIES OF MANAGERS OF SUCH PUBLIC ELEMENTARY SCHOOLS IN THE SWANSEA UNITED DISTRICT AS ARE NOT PROVIDED BY THE SCHOOL BOARD.

1. The Town Clerk of Swansea in the case of the first election and the clerk of the governing body in other cases shall send to the several bodies of managers entitled to vote in the election notice in writing that a representative governor is to be elected by them, fixing a day, not later than seven clear days after the date of such notice, by which the names of candidates nominated for election must be sent to him in writing, and also each such candidate's written 40 consent to serve on the governing body, if elected. He shall also publish notice to the same effect in two newspapers circulating in the county or district.

Scheme for the administration of funds.

Jurisdiction of ordinary abolished.

Jurisdiction of visitor.

Alteration of scheme.

Property under scheme to be governed exclusively by this scheme.

Scheme to be printed and sold.

Date of scheme.

Notice by clerk for election and nomination of candidates.

Scheme for
the adminis-
tration of
funds.

Nomination of
candidates.

Issue of
voting papers.

Form of
voting paper.

2. Anyone may be nominated as a candidate by any body of managers entitled to vote in the election sending the name of the candidate in writing to the clerk as aforesaid; but a candidate shall not be deemed to have been duly nominated unless his written consent to serve on the governing body, if elected, shall have been sent to the clerk before the day so fixed.

3. Within three days after the day so fixed the clerk shall send to each body of managers a list stating the names, addresses, and occupation or rank in life of the candidates so nominated, and therewith a voting paper, with a notice stating that the body of managers entitled to and wishing to vote for any candidate must return the same to the clerk within a day to be fixed in 10 the notice, not being less than seven nor more than fourteen clear days after the date of issue of the notice.

4. The voting paper shall be in the following form;—

“We, the Managers of the * Public Elementary School,
“being one of the bodies of Managers entitled to vote in the
“election for a representative Member of the Governing Body of
“the Swansea Intermediate and Technical Education Fund,
“hereby record our vote in favour of †
“Dated this day of “Signed E. F. ‡

“Witnessed

20

* Insert name of School. † Insert name of Candidate. ‡ Chairman of the meeting at which the resolution was passed.

Direction as to
signature of
voting paper.

5. The voting paper shall be signed by the chairman of the meeting and countersigned by the clerk or official correspondent, if any, or by two managers present at the meeting at which the resolution in favour of the candidate voted for was passed.

Method of
voting by body
of managers.

6. The meeting of a body of managers at which a vote is to be taken in an election shall be duly summoned and held in accordance with the ordinary rules and practice of the body, and that candidate shall receive the vote of the body who shall have received the votes of the majority of the members of the body present and voting at such meeting.

Counting
votes.

7. Voting papers received by the clerk by the day so fixed shall be kept by him unopened and in safe custody until the day so fixed; and shall then be opened, and the votes recorded therein counted by him in the presence of at least two members of the body to whom he is clerk; and in the presence of such other members of such body, or of the candidates or any person nominated by them, as may wish to be present. Any such member, candidate, or person so nominated may have the votes not more than twice recounted, if dissatisfied with the first or a second count. The clerk shall decide whether any voting paper is admissible and whether any vote has been duly recorded or not, subject to an appeal in writing, within four days after such decision shall have 40 been given, to the Charity Commissioners.

Declaration of
result of
election.

8. The candidate in whose favour the greatest number of votes has been duly recorded, or in the case of equality of votes the candidate to be selected by lot shall be declared by the clerk to be elected. Notice in writing of the declaration, shall, as soon as conveniently may be, be sent to the candidate so elected, and the bodies of managers entitled to vote in the election.

SECOND SCHEDULE.

ENDOWMENTS OF SWANSEA GRAMMAR SCHOOL.

Scheme for
the adminis-
tration of
funds.

	Description.	Extent.	Tenant.	Gross Yearly Income.		
				A.	R.	P.
	1.—School buildings, master's residence, playground, and land (freehold and leasehold) known as The Grammar School, and situate at Bellevue, Mount Pleasant, Swansea	2 0 0	In hand			
10	2.—An estate known as Aber, in the parishes of Llandyfodwg and Llan-geinor, in the County of Glamorgan:— (1) Farm	645 0 0	Cory Brothers & Co. (lease for 21 years, from 29th September, 1869)	70	0	0
	(2) Piece of land	0 0 21 $\frac{1}{2}$	John Williams of Tynewydd (agreement for lease dated 14th September 1887, for 99 years, from 25th March, 1887)	5	7	6
20	(3) Coals and other minerals under-lying 1 and 2	... ...	Cory Brothers & Co. (lease dated 9th February, 1868, for 57 years, from 29th September 1867)	645	0	0 (fixed rent; and royalties, &c., varying in amount)
30	3.—A piece of land lying between Goat Street and Waterloo Street in Swansea, on which are erected the Gore Arms public house, and six shops	... ...	Samuel Davies (lease dated 14th August 1851, for 99 years, from 5th March, 1851)	30	0	0

The Schedule is made up to the 14th October 1892.

Charity Commission,

4th November, 1892.

At a meeting of the Board, held this day, at which there were present four Commissioners, of whom one was the Chief Commissioner, this scheme was approved, and directed to be submitted to the Committee of Council on Education.

D. R. FEARON,
Secretary.

Affidavit of
Thos. Noon,
dated 29th
December,
1893.

No. 10.—Affidavit of Thomas Noon, Esq., sworn
29th December, 1893.

IN THE PRIVY COUNCIL.

In the Matter of the funds applicable to the Intermediate and Technical Education of the Inhabitants of the County Borough of Swansea

In the Matter of the Free Grammar School in Swansea founded in 1682 by Hugh Gore, D.D. Lord Bishop of Waterford and Lismore and further endowed by the Corporation of Swansea regulated by a scheme of the Court of Chancery of the 5th July, 1850

In the Matter of the Welsh Intermediate Education Act 1889

10

In the Matter of the Local Taxation (Customs and Excise) Act, 1890 and

In the Matter of the Endowed Schools Act, 1869 and Amending Acts.

I THOMAS NOON, of Tetcott near Holseworthy in the County of Devon Ph.D. and M.A. of the University of Giessin Germany make oath and say as follows:—

1. I was appointed head master of Swansea Free Grammar School in the year 1851 and remained in that post eight years till my retirement in 1859.

2. Upon my appointment and acceptance of the post as head master I undertook to continue and carry on the work of providing for the religious 20 needs of the scholars and of instructing them diligently in the doctrines of the Church of England according to the intention of the founder and the traditions of the school as preserved and handed down by successive head masters since its foundation.

3. From a book entitled "Contributions towards a History of Swansea" by Lewis W. Dillwyn F.R.S., &c., dated 1810 and from memoranda bound into the said volume which is in the scholars' library at the said grammar school I have ascertained and verily believe it to be the fact that from the date of the school's foundation to the present time the head masters have all been members of the Church of England and with two exceptions namely 30 myself and James Drew, Esq. M.A. who was head master of the grammar school during the year 1859 the head master has always been a clerk in holy orders and such I verily believe was the intention of the founder a bishop of the Church who desiring to provide for the instruction of the scholars in the

doctrines of the Church of England and to ensure the appointment of a churchman as head master provided by the deed of gift dated the 14th day of September 1682 that in default of appointment by the heir-at-law for the time being of Bussy Mansel the Bishop of St. David's for the time being should appoint some fit and proper person to be such master and to dismiss and remove him in case of misconduct. And I verily believe the bishop of the diocese has always exercised a supervision over the appointments by requiring the grant of his license to hold the post to successive head masters as appears by the 28th bye-law approved and adopted by the feoffees on the 21st day of March 1851.

Affidavit of
Thos. Noon,
dated 29th
December,
1893.

10 4. Clause 14 of the scheme of 1850 I verily believe represents the result of careful investigation into the traditions and the then existing practice in the said school and was framed with the object of ensuring the continuity of religious instruction upon the lines laid down by the original founder of the school as handed down by tradition and usage and exemplified in the then existing usage.

5. With a view to carrying out the objects expressed in the said clause the following regulation was incorporated in the bye-laws of the school as approved and adopted at a meeting of the feoffees held in the Guildhall Swansea on Friday the 21st of March 1851 :

20 " 8. The head master shall daily read prayers from the Liturgy and " cause the same to be accompanied by suitable readings from the Holy " Scriptures. The master shall take care that the scholars be well versed " in the Church Catechism except in cases where the parent or guardian " of any scholar by a request in writing to the master shall desire its " omission whereupon the master shall in lieu thereof set such scholar " some appropriate task."

A copy of the said bye-laws is printed at page 26 in the said book, according to the numbering of the pages in black ink adopted therein.

6. I had always understood and believe it to be the fact that the said 30 bye-law did not introduce any new regulation into the practice of the school but merely embodied what had been the practice and regulation of the school from the time of its foundation.

7. During the whole period of my head mastership the said regulation was regularly and scrupulously observed prayers and scripture reading formed part of the regular curriculum of the school and appeared upon the school time-table as a preliminary to work for every form upon every day in the week. A copy of one such time table in use in the year 1853 and signed by me is printed in the said book at p. 35 of a report of the reopening of the Swansea 40 Grammar School. The said regulation I am credibly informed and verily believe has been consistently acted upon by my successors who have regularly included prayers and scripture reading in every school time-table.

8. An examination in scriptural knowledge was held every year during my head mastership and I verily believe previously and subsequently thereto

Affidavit of
Thos. Noon,
dated 29th
December,
1893.

and upon the occasion of the presentation of the Bishop's prize to the successful candidate at the annual prize-giving the work of the day was commenced with the reading of several appropriate prayers from the Liturgy. A printed extract from the "*Cambrian*" newspaper of the 24th of June 1859 now shown to me and marked "T. N." contains a report of such presentation at which I was myself present.

9. I have read the final draft scheme approved by the Committee of the Council on Education the subject of this Petition and I say that it is contrary to the intention of the founder of the school to the traditions of the school, and to the usage and practice of the school, down to the present time and, ¹⁰ further, I say that it will be detrimental to the school's best interests in the following points :—

(1.) That the endowments of the school should be used for the purpose of such scheme and diverted to the purposes of an intermediate or technical school for boys and girls from those of a grammar school for boys.

(2.) That the use of the Liturgy of the Church of England in the daily prayers and the teaching of the Church Catechism which has hitherto been an essential part of the system of education pursued at the school should be discontinued and that no provision should be made respecting the religious opinions of the governing body or masters. ²⁰

(3.) That the proposed governing body should be so large and that so large a proportion as is proposed should be appointed by the Corporation of Swansea.

(4.) That there is no provision that the head master shall always be a graduate of some University in the United Kingdom.

(5.) That the religious instruction to be given should not be in the Christian faith but in accordance with the principles of the Christian faith.

(6.) That instruction in drawing and vocal music should be compulsory and not discretionary. ³⁰

(7.) That the instruction should not be on a uniform system in accordance with the wishes of the founder and that the system and subject of instruction should be in the discretion of the governing body and not in the discretion of the head master.

(8.) That the head master should be capable of dismissal without assigning cause.

(9.) That no provision should have been made for giving exhibitions should the resources of the school permit.

Sworn at Holsworthy in the County of
Devon, on the 29th December 1893

Before me
CECIL BRAY
A Commissioner for Oaths.

THOMAS NOON M.A. Ph.D.

No. 11.—Exhibit “T. N. 1” to Affidavit of Thomas <sup>Exhibit
“T. N. 1” to
Affidavit of
Thos. Noon,
sworn 29th
December,
1893.</sup> Noon, Esq., sworn 29th December, 1893.

“T. N. 1.”

SWANSEA GRAMMAR SCHOOL.

Founded by the Lord Bishop of Waterford and Lismore.

Ex *Cambrrian* of the 24th of June, 1859.

The annual examination at this academy took place on Thursday and Friday last before the established authorities and the examiners named by the feoffees—The Rev. William Reed, M.A., Principal of the Training College, Carmarthen, and Edward Martindale, Esq., B.A., of St. John's College, Cambridge. The examination in mathematics and Scriptural knowledge had been going on several days previous by written papers, and the result of the whole was announced on Friday morning, when the more formal part of the proceedings and the presentation of the prizes to the successful candidates took place. The work of the day commenced with the reading of several appropriate prayers from the Liturgy. The chairman of the feoffees then introduced the examiners to the parents and visitors. The unfinished work of the actual examination having been completed, Mr. Francis requested Mr. Reed to state the result, when that gentleman said: it was a long time since he had received greater gratification than this visit and examination had afforded him, and he had the greatest pleasure in saying that he found the scholars not only well grounded in all the elements of learning taught in this school, but he found them with a fair and accurate knowledge of the geography and history of the events and persons connected with the particular subjects upon which they were engaged. There was also, he was happy to say, an ingenuous readiness of reply which gave him a favourable opinion, not only of the mode of teaching, but of the personal character of the young gentlemen themselves (cheers). The chairman said: of course the feoffees would receive a written report from the examiners, but that this personally expressed opinion would no doubt be highly gratifying to the parents of the scholars (hear). The German and French masters having completed their examination, and the drawings of the three divisions having been examined, the chairman called on the head master to declare the names of the successful candidates for the prizes and those who came next in the mental race, and who were therefore entitled to honourable

Exhibit
"T. N. 1" to mention. Dr. Noon then read a letter from the visitor, C. R. Mansel Talbot, Esq., M.P., dated—

Attendant of
Thos. Noon,
born 29th
December,
1893.

" Margam, June 5, 1859.

" Dear Sir,—I adjudge the prize for mathematics to E. Wood, with the observation of *proximé accessit* G. C. Hore. If the questions had been algebraical only I must have decided in favour of the latter.

" The answers of C. James are very creditable to so young a person.
" The whole show great improvement on former years.

" Yours very truly,

" C. R. M. TALBOT."

10

The prizemen and those next to them being severally proclaimed, the chairman presented to each a handsome volume with a few appropriate remarks.

1.—The Visitors' Prize.

For the Higher Mathematics.

" Cattermole's Great Civil War," illustrated, by Cattermole. Prizeman, E. Wood (minor). Hon. mention, G. C. Hore.

2.—The Chairman's Prize.

For Good Conduct.

" Paley's Works and Life Notes" and a portrait. Prizeman, M. Wood (major). 20 Hon. mention, G. C. Hore.

3.—The Mayor's Prize.

For Reading, Writing, and Arithmetic.

" Tennyson's Poems," richly illustrated. Prizeman, G. C. Hore. Hon. mention, C. James.

4.—The Bishop's Prize.

For Scriptural Knowledge.

" The Waldenses, or Protestant Valleys of Piedmont and Dauphiny," illustrated. Prizeman, E. Wood (minor). Hon. mention, W. Purehas and M. Wood (major).

5.—The Members' Prize.

30

For Modern Languages.

" Turner's Rivers of France," richly illustrated. Prizeman, E. Wood (minor). Hon. mention, M. Wood (major).

6.—The Vicar's Prize.

For Proficiency and Good Conduct in the two Upper Forms.

"The Book of Job," illustrated by Gilbert, with Notes and Parallels. Prizeman, M. Wood (major). Hon. mention, W. Purchas.

Exhibit
"T. N. 1" to
Affidavit of
Thos. No. 1.
sworn 29th
December,
1893.

8

7.—The Fifth Form.

For General Attainments.

"Hutton's Mathematics," remodelled by Rutherford. Prizeman, M. Wood (major). Hon. mention, E. Wood.

10

8.—The Fourth Form.

For General Attainments.

"Dallas's Animal Kingdom," illustrated. Prizeman, G. C. Hore. Hon. mention, G. H. Thompson.

9.—The Third Form.

For General Attainments.

"Somerville's Connexion of the Physical Sciences," illustrated. Prizeman, C. James. Hon. mention, J. Thomas (major).

10.—The Second Form.

For General Attainments.

"Syria and the Holy Land: their Scenery and People." Prizeman, J. Griffiths. Hon. mention, E. Smith.

20

11.—The First Form.

For General Attainments.

"Truths, Illustrated by Great Authors." Prizeman, R. Evans. Hon. mention, A. O. Schenk.

12.—The Grammar Form.

For General Attainments.

"The Story of the Life of George Stephenson," by Smiles, illustrated. Prizeman, F. Pearce. Hon. mention, F. Bowles.

30

13.—The French Prize.

Upper Division.

"Keppel's Visit to the Indian Archipelago," illustrated. Prizeman, E. Wood (minor). Hon. mention, M. Wood (major).

Exhibit
"1. N. 1" to
Affidavit of
Thos. Noon,
sworn 29th
December,
1893.

14.—The French Prize.

Lower Division.

"Art Treasures Exhibited at Manchester," illustrated. Prizeman, G. G. Francis, jun. Hon. mention, J. G. Bevan.

15.—The German Prize.

"Memorials of the English Martyrs," illustrated. Prizeman, E. Wood (minor). Hon. mention, M. Wood (major).

16.—The Drawing Prize.

Upper Division.

"Favourite English Poems of the two last Centuries," richly illustrated. 10 Prizeman, G. H. Thompson. Hon. mention, G. G. Francis, jun., and M. Wood (major).

17.—The Drawing Prize.

Second Division.

"Westwood's Butterflies of Great Britain," richly illustrated. Prizeman, A. O. Schenk. Hon. mention, H. R. Beor (minor).

18.—The Drawing Prize.

Third Division.

"Goldsmith's Traveller," a poem, illustrated by Foster. Prizeman, J. Strick (major). Hon. mention, E. J. Powell (major) and A. Noon (major). 20

19.—Prize for Deportment.

Upper Division.

"Napier's English Battles and Sieges of the Peninsula"; portrait. Prizeman, G. G. Francis, jun. Hon. mention, G. H. Thompson.

20.—Prize for Deportment.

Lower Division.

"Tytler's Tales of the Great and Brave." Prizeman, J. Strick (major). Hon. mention, W. M. Beor.

The cheering which took place not only did credit to the hearts of the young gentlemen but proved their full appreciation of the points where the 40 demonstration was due. This duty got through, Mr. Francis proposed the best thanks of the feoffees and party present to the examiners. (Loud cheers.)

Mr. Reed said he would repeat his gratification at what he had seen and heard and an earnest hope that the Swansea Grammar School might long con-

tinue its successful career. The present occasion was tinged with only one regret—the intended retirement of Dr. Noon. (Hear.) The reverend gentleman spoke in warm terms of the building and all its appliances and concluded his interesting remarks amidst a round of applause.

Exhibit
"T. N. 1" to
Affidavit of
Thos. Noon,
sworn 29th
December,
1893.

Mr. Francis said he had now to propose a name which would cause a mixture of pleasure and regret—Dr. Noon. (Cheers). A feeling of gratitude for past efforts and one of sorrow that those efforts should have resulted in failing health which required retirement and repose; for himself, however, he could say that a connection of eight years with the head master had been one

10 of great gratification. (Hear.)

Dr. Noon rose and said: If you had shown me less of your sympathy and kindness on the present occasion I might then have been able to make some kind of parting speech; but the very excess of your approbation and generosity of feeling has really unnerved me and made me quite incapable of expressing my thoughts with any coherence or in any logical order. I must therefore speak in fragments, and as briefly as possible. When, eight years ago, I undertook the difficult and responsible duty of directing the studies and discipline of this school I did so with the determination to use my utmost efforts and spend my strength if necessary in making the youth over whom I might be placed both 20 scholars and Christian gentlemen. With what degree of success I have laboured time only can show. I have endeavoured to sow good seed but I cannot expect to see the fruits. While, however, I have been labouring to strengthen the boys intellectually I have weakened myself physically. My friends, it is true, have often given me friendly warning on the subject, but while I listened to and acknowledged the justice of their advice I went on teaching with my old enthusiasm, daily using up all my strength until I broke down altogether. Here then is the reason of my resigning office. Lack of health and physical strength is the sole cause of my retiring from the head mastership. I cannot now enter into any details of our daily school life. I 30 will therefore conclude by saying how greatly I have been indebted to Mr. Francis for his assistance in preserving from injury this handsome school room for the last seven years and which I have the satisfaction of leaving to my successor in as good condition, with the exception of a scratch or two, as when I entered it. It requires more than the care and watchfulness of one man to preserve this beautiful building from external harm, and Mr. Francis in his two-fold capacity as chairman of seafees and a magistrate has rendered us most important service. I have now only to return you my warmest thanks for your past kindness and your present indulgence, with the earnest hope that the next head master may be a younger and stronger man than myself 40 and one devoted to the important work of education.

Votes of thanks to the under and special masters having been carried, Mr. Reed in a complimentary speech thanked the Chairman on behalf of the meeting, and a very pleasant morning was brought to a conclusion by the scholars carrying round cake and wine to the visitors.

We conclude with a heartfelt wish for prosperity to the good Bishop Gore's Grammar School at Swansea and the fulfilment of his excellent motto "Virtue and Good Literature."

Exhibit
"T. N. 1" to
Affidavit of
Thos. Noon,
sworn 29th
December,
1893.

ANALYSIS.

Miles Wood.—Form V.				George Grant Franeis, Jun.—Form IV.			
Chairman's Prize	...	...	1	French Prize	...	...	1
Vicar's	„	...	1	Deportment	„	...	1
Vth Form	„	...	1			—	2
			— 3	Drawing Honourable Mention	1	1	
Member's Honourable Mention		1				—	
Bishop's	„	„	1			—	3
French	„	„	1			—	
German	„	„	1	George H. Thompson.—Form IV.			
Drawing	„	„	1	Drawing Prize	...	...	1
			— 5	IVth Form Honourable Mention	1		
			— 8	Deportment	„	1	10
			—			—	2
Elliott Wood.—Form V.						—	
Visitor's Prize	...	...	1			—	
Bishop's	„	...	1	Named Twiee.			
M.P.'s	„	...	1			Prize.	Hon. Men.
French	„	...	1	C. James	...	1	1
German	„	...	1	W. Purchas	...	0	2
Vth. Form Honourable Mention	1	1	— 5	A. O. Schenk	...	1	1
			—	J. Strick	...	2	0
			6				
George Corin Hore.—Form IV.				Named Oncee.			
Mayor's Prize	...	...	1	J. Thomas	...	0	1
IVth Form	„	...	1	J. Griffiths	...	1	0
			— 2	E. Smith	...	0	1
Visitors' Honourable Mention	1			R. Evans	...	1	0
Chairman's	„	„	1	F. Pearce	...	1	0
			— 2	F. Bowles	...	0	1
			— 4	J. G. Bevan	...	0	1
			—	H. R. Beor	...	0	1
			—	E. J. Powell	...	0	1
			—	A. Noon	...	0	1
			—	W. M. Beor	...	0	1
			30				

GEO. GRANT FRANCIS, F.S.A.,
IN THE PRIVY COUNCIL. Chairman.

Re Swansea Free Grammar School.

This is the printed extract marked "T N1," referred to in the Affidavit of Thomas Noon, sworn before me this 29th day of December, 1893.

CECIL BRAY,
A Commissioner for Oaths.

**No. 12.—Extract from Bye-Laws approved by Feoffees
on the 21st March, 1851.**

Extract from
Bye-laws, ap-
proved on 21st
March, 1851.

28. Prior to the head master entering into residence, proceeding with his duties, or being entitled to any profits, he shall produce to the Feoffees for the time being, his appointment by the visitor and the license of the Bishop of the Diocese, and shall duly sign the qualification book.

**No. 13.—Affidavit of the Revd. John Young, sworn 28th
January, 1894.**

Affidavit of
John Young,
sworn 28th
January, 1894.

I, JOHN YOUNG, of Swansea in the County of Glamorgan Clerk in Holy Orders and Master of Arts of the University of Oxford make oath and say as follows:—

1. I was appointed head master of Swansea Free Grammar School in the year 1877 and remained in that post ever since to the present time.

10 2. I have read the affidavit sworn in this matter on the 29th day of December 1893 by Thomas Noon, Esquire, Ph.D. and M.A. Also the affidavit sworn in this matter on the 18th day of January 1894 by the Reverend Charles Tebbott Heartley, of Cheveley Rectory in the County of Cambridge Clerk in Holy Orders and M.A. of the University of Cambridge. I confirm what is therein stated.

3. On my appointment as head master as aforesaid I found that it had been the established practice of instructing the scholars diligently in the doctrines of the Church of England according to the intention of the founder and the traditions of the school as preserved and handed down by successive 20 head masters since its foundation.

4. I had always understood, and believe it to be the fact that the bye-laws referred to in the said Affidavit of the said Thomas Noon did not introduce any new regulation into the practice of the school but merely embodied what had been the practice and regulations of the school from the time of its foundation.

5. During the whole period of my head mastership the regulation contained in Bye-law 8 has been and still is regularly and scrupulously observed. Prayers and Scripture reading form part of the regular curriculum of the school and appear upon the school time-table as a preliminary to work for 30 every form upon every day in the week. There is moreover, a chapel attached to the school wherein services of the Church of England are held twice a day on Sundays during term. I hold the license of the Bishop of St. David's to perform such services and such services have been regularly held by me since I was appointed head master until quite recently when they have been temporarily suspended by me from ill health.

6. An examination in Scripture knowledge has been regularly included every year in the school examination and a prize awarded for that subject to the successful candidate at the annual prize giving. The work of the day was commenced with the reading of several appropriate prayers from the Liturgy.

7. I have read the final draft scheme approved by the Committee of the Council on Education the subject of this Petition and I say that it is contrary to the intention of the founder of the school to the traditions of the school and to the usage and practice of the school down to the present time. And further I say that it will be detrimental to the school's best interests in the following points :—

10

(1.) That the endowments of the school should be used for the purpose of such scheme and diverted to the purposes of an intermediate or technical school for boys and girls from those of a grammar school for boys. In my opinion the endowments of the school amounting at the present time to about £800 a year are too small for the scheme proposed and are merely sufficient with economy to support a school for the classical and mathematical instruction of the sons of the middle class to whom the school has hitherto been of very great service enabling a great many to enter professions which they could not have done without its assistance. The paper writing now 20 produced to me marked "A" contains a true statement of the University honours obtained by scholars from the Grammar School since the year 1880. The School Board for Swansea has moreover, recently erected at a cost of many thousand pounds a handsome and spacious higher grade school within five minutes' walk from the Grammar School which renders it unnecessary to interfere with the Grammar School as proposed by the scheme. In my opinion the Intermediate and Technical School proposed by the scheme would clash with the School Board.

(2.) That the use of the Liturgy of the Church of England in the daily 30 prayers and the teaching of the Church Catechism which has hitherto been an essential part of the system of education pursued at the school should be discontinued, and that no provision should be made respecting the religious opinions of the governing body or masters.

(3.) That the proposed governing body should be so large, and that so large a proportion as is proposed should be appointed by the Corporation of Swansea.

(4.) That there is no provision that the head master shall always be a graduate of some university in the United Kingdom.

(5.) That the religious instruction to be given should not be in the Christian 40 faith but in accordance with the principles of the Christian faith. In my opinion unless the scholars have definite doctrinal teaching the instruction will be a merely colourless Christianity.

(6.) That the instruction should not be on an uniform system in accordance with the wishes of the founder and that the system and subjects of instruction should be in the discretion of the governing body and not in the discretion of the head master.

(7.) That the head master should be capable of dismissal without assigning cause.

(8.) That no provision should have been made for giving exhibitions should the resources of the school permit.

Affidavit of
John Young,
sworn 28th
January, 1894.

Sworn at Swansea, in the County of
Glamorgan, on the 28th day of }
January, 1894, }
Before me,
EDW. H. PLANT,
A Commissioner for Oaths.

10

No. 14—Exhibit “A” to Affidavit of the Revd. John Young,
sworn 28th January, 1894.

Exhibit “A”
to Affidavit of
John Young,
sworn 28th
January, 1894.

“A”

BISHOP GORE’S GRAMMAR SCHOOL, SWANSEA.

UNIVERSITY HONOURS OBTAINED.

1880.—First Classical Exhibition, Jesus College, Oxford.

1882.—Second Class Classical Honours—Moderations.

1884.—Third Class (Lit. Hum.).
Second Class Classical Honours—Moderations.

20 1885.—First Classical Exhibition, Jesus College, Oxford.
First place and First Exhibition at London University—Matriculation.

1886.—Third Class (Lit. Hum.).
Classical Scholarship, Jesus College, Oxford.
Scholarship at C. C. C., Oxford.
Classical Exhibition, Keble College.

1887.—First Classical Scholarship, Jesus College, Oxford.
Classical Scholarship, Lincoln College.
First Class Mathematics—Moderations.

30 1888.—Second Class Classical Honours—Moderations.
Third Class ditto.
Classical Exhibition, Jesus College, Oxford.

1889.—First Class Mathematical Honours, London Intermediate B.A.
Second Class Classical Honours—Moderations.
Ditto.
Two Classical Exhibitions, Jesus College.

Exhibit "A"
to Affidavit of
John Young,
sworn 28th
January, 1894.

1890.—First Class Mathematical Finals, Oxford.
 Third Class Modern History Finals.
 Exhibition at Magdalene College, Cambridge.
 Mathematical Scholarship at Jesus College.

1891.—Third Class Classical Honours—Moderations.
 Classical Exhibition at Queen's, Oxford.
 Second Class Finals (Lit. Hum.).

1892.—Second Class Mathematical Honours—Moderations.

1893.—First Class Classical Honours, Oxford.
 Second Class Final Theological School.
 Junior Optime, Cambridge.

10

IN THE PRIVY COUNCIL.

In the matter of The Swansea Free Grammar School.

This is the paper writing marked "A" referred to in the affidavit of John Young, sworn before me this 28th day of January, 1894.

EDW. H. PLANT,

A Commissioner, &c.

Affidavit of
Chas. Tebbott
Heartley,
sworn 18th
January, 1894.

No. 15.—Affidavit of the Revd. Charles Tebbott Heartley,
sworn 18th January, 1894.

I, CHARLES TEBBOTT HEARTLEY, of Cheveley Rectory in the County of Cambridge Clerk in Holy Orders and Master of Arts of the University of Cambridge make oath and say as follows:—

1. I was appointed head master of Swansea Free Grammar School in the year 1862 and remained in that post over fifteen years until my retirement in 1877.

2. I have read the affidavit sworn in this matter on the 29th day of December 1893 by Thomas Noon Esq. Ph.D. and M.A. and I confirm what is therein stated.

3. On my appointment as head master as aforesaid I found that it had been the established practice of instructing the scholars diligently in the doctrines of the Church of England according to the intention of the founder and the traditions of the school as preserved and handed down by successive head masters since its foundation.

4. I had always understood and believe it to be the fact that the bye-laws referred to in the said affidavit of the said Thomas Noon did not introduce any new regulations into the practice of the school but merely embodied what had been the practice and regulations of the school from the time of its foundation.

Affidavit of
Chas. Tebbott
Heartley,
sworn 18th
January, 1894.

5. During the whole period of my head mastership the regulation contained in Bye-law 8 was regularly and scrupulously observed. Prayers and scripture reading formed part of the regular curriculum of the school and appeared upon the school time-table as a preliminary to work for every form upon every day in the week. The said regulation I am credibly informed and verily believe has been consistently acted upon by my successor who has regularly included prayers and scripture reading in every school time-table.

6. An examination in scripture knowledge was held every year during my head mastership and I verily believe previously and subsequently thereto 10 and upon the occasion of the presentation of the Bishop's prize to the successful candidate at the annual prize-giving the work of the day was commenced with the reading of several appropriate prayers from the Liturgy.

7. I have read the final draft scheme approved by the Committee of the Council on Education the subject of this Petition and I say that it is contrary to the intention of the founder of the school to the traditions of the school and to the usage and practice of the school down to the present time and further I say that it will be detrimental to the school's best interests in the following points:—

20 (1.) That the endowments of the school should be used for the purpose of such scheme and diverted to the purposes of an intermediate or technical school for boys and girls from those of a grammar school for boys. In my opinion the endowments of the school amounting at the present time to about £800 a year are too small for the scheme proposed and are merely sufficient with economy to support a school for the classical and mathematical instruction of the sons of the middle class to whom the school has hitherto been of very great service enabling a great many to enter professions which they could not have done without its assistance. I am also informed and believe that the School Board of Swansea has recently erected a spacious higher grade school at a very short distance 30 from the Grammar School which renders it unnecessary to interfere with the Grammar School as proposed by the scheme.

40 (2.) That the use of the Liturgy of the Church of England in the daily prayers and the teaching of the Church Catechism which has hitherto been an essential part of the system of education pursued at the school should be discontinued and that no provision should be made respecting the religious opinions of the governing body or masters. There is a chapel attached to the school wherein services of the Church of England were and are now I believe held twice a day on Sundays during term. Between the month of August 1872 and the month of December 1876 during my head mastership the sum of £1013 was raised by subscription (I myself subscribed £150) and the whole amount was applied in completing the said chapel.

(3.) That the proposed governing body should be so large and that so large a proportion as is proposed should be appointed by the Corporation of Swansea.

Affidavit of
Chas. Tebbott
Heartley,
sworn 18th
January, 1894.

(4.) That there is no provision that the head master shall always be a graduate of some university in the United Kingdom. In my opinion this requirement is to a very great extent a guarantee for competency.

(5.) That the religious instruction to be given should not be in the Christian faith but in accordance with the principles of the Christian faith. In my opinion such a regulation would tend to the abolition of Christian doctrinal teaching.

(6.) That instruction in drawing and vocal music should be compulsory and not discretionary. During my head mastership I found compulsory teaching of drawing to all the pupils was in very many cases a complete waste of time. In my opinion the same remark applies to vocal music. 10

(7.) That the instruction should not be on an uniform system in accordance with the wishes of the founder and that the system and subjects of instruction should be in the discretion of the governing body and not in the discretion of the head master. In my opinion every deviation from uniformity in the teaching adds seriously to the expenses of the school and tends to irregularity.

(8.) That the head master should be capable of dismissal without assigning cause.

(9.) That no provision should have been made for giving exhibitions 20 should the resources of the school permit.

Sworn at Cheveley, in the County of
Cambridge, on the 18th day of January,
1894,

Before me,
ARTHUR M. ELLIS,
A Commissioner for Oaths.

CHARLES T. HEARTLEY.

Affidavit of
John William
Morris, sworn
11th January,
1894.

No. 16.—Affidavit of John William Morris Esq. sworn
11th January, 1894.

I, JOHN WILLIAM MORRIS, of Castle Street, Swansea in the County of 30 Glamorgan Secretary to the Governing Body of the Free Grammar School in Swansea make oath and say as follows:—

1. I was appointed secretary to the governing body of the Free Grammar School in Swansea on the 10th day of December 1877 and I have carefully inspected and considered the books and accounts of the governing body since

the year 1850 relating to the Free Grammar School, and I am able to depose to the following facts.

Affidavit of
John William
Morris, sworn
11th January
1894.

2. In or about the year 1850 it was found necessary to erect a new schoolhouse but the site of the old schoolhouse in Goat Street Swansea was not suitable and consequently on or about the 24th day of May 1851 the feoffees took a lease of a piece of ground at Belle Vue, near Swansea on which they erected and fitted up the present schoolhouse. And on or about the 29th day of February 1868 they acquired the fee simple of the said piece of ground.

10 3. The outlay on the said school was considerable, and part thereof, amounting to the sum of £1527 was defrayed by subscriptions of persons living in the neighbourhood received between the month of January 1851 and the month of June 1860. The said subscriptions, so applied in building the said schoolhouse form part of the present endowment of the said Free Grammar School.

4. Between the month of August 1872 and the month of December 1876 the further sum of £1013 was raised by subscriptions and applied in converting the crypt under the dining hall of the said Free Grammar School into a chapel. The said chapel was completed in or about the month of 20 December 1874 and has since been continuously used for divine service according to the rites of the Church of England by the head master who holds the license of the bishop of the diocese to perform such service.

5. A further part of the endowment of the said Free Grammar School consists of a sum of £20 a year as an addition to the salary of the master of the said school and secured by the bond dated the 9th day of March 1848 under the Seal of the Corporation of Swansea. The said allowance was first made by the said Corporation in or about the year 1828.

6. The present income of the trust estate belonging to the said school amounts to the sum of £800 a year or thereabouts but it is anticipated that 30 such income may hereafter be largely increased by the development of the trust estate.

7. As secretary of the governing body of the said Free Grammar School I have always understood and verily believe that the heiresses-at-law at the present time of Bussy Mansel named in the Petition in this matter presented by the governing body are Caroline Emily Talbot of Margam in the county of Glamorgan spinster Bertha Isabella the wife of John Fletcher Esquire of Salton in the county of Haddington and Olive Emma Talbot of Margam aforesaid spinster.

Sworn at Swansea, in the County of Gla-
40 morgan, on the 11th day of January, 1894,

Before me,
RICH'D. WHITE BEOR,
A Commissioner for Oaths.

JNO. W. MORRIS.

Affidavit of
John William
Morris, sworn
25th January,
1894.

No. 17.—Affidavit of John William Morris Esq. sworn
25th January, 1894.

I, JOHN WILLIAM MORRIS of Castle Street, Swansea in the County of Glamorgan Seeretary to the Governing Body of the Free Grammar School in Swansea make oath and say as follows:—

1. From the books in my possession as secretary of the said Free Grammar School and from my information and knowledge as seeretary of the said School I am able to state that the following are the present governing body of the said Free Grammar School:—

1. The Right Honourable Henry Hussey formerly Sir Henry Hussey ¹⁰ Vivian Vivian Baronet of Singleton Swansea who was appointed on the 11th day of June 1866.
2. John Crow Richardson, of Glanbrydan Park Manordeilo Carmarthenshire Esquire who was appointed on the 2nd day of May 1880.
3. Sir John Jones Jenkins, of the Grange Swansea Knight who was appointed on the 2nd day of May 1880.
4. Edward Rice Daniel, of Crcmgelly Swansea Esquire who was appointed on the 2nd day of May 1880.
5. John Richardson Franeis of Llwynderw Swansea Esquire who was appointed on the 28th day of March 1892. ²⁰
6. Colonel William Llewellyn Morgan of Brynbrialli Swansea who was appointed on the 28th day of March 1892.
7. The Reverend Canon George Gauntlett of Pershore Worcester who was appointed on the 28th day of March 1892.
8. William Walters, of Penlan Swansea Esquire who was appointed on the 28th day of March 1892.
9. Thomas Drysllwyn Griffiths of Drysllwyn House Swansea Physician who was appointed on the 28th day of March 1892.
10. John Powell of Wannarwydd House Swansea Esquire, who was appointed on the 28th day of March 1892 and ³⁰
11. Charles Henry Glascodine of Cae Parc Swansea Esquire Barrister-at-Law who was appointed on the 28th day of March 1892.

2. From all the public records seen by me I have been able to ascertain that the Right Reverend Hngh Lord Bishop of Waterford and Lismore died in the month of March 1691.

Sworn at Swansea, in the County of Glamorgan, } Jno. W. MORRIS.
this 25th day of January, 1894, }

Before me,
RICHARD WHITE BEOR,
A Commissioner to administer Oaths.

No. 18.—Affidavit of Miss Emily Charlotte Talbot, sworn
24th January, 1894.

Affidavit of
Emily Charlotte Talbot,
dated 24th
January, 1894

I, EMILY CHARLOTTE TALBOT of Margam, in the County of Glamorgan
spinster make oath and say as follows:—

1. My father Christopher Rice Mansel Talbot died on the 17th day
of January 1890 leaving myself and my two sisters Bertha Isabella the
wife of John Fletcher Esquire and Olivia Emma Talbot, of 3, Cavendish
Square London spinster his only children and co-heiresses-at-law. We as
such co-heiresses are at the present time the heiresses-at-law of Bussy Mansel
10 named in the Petition in this matter presented by the governing body of the
Free Grammar School in Swansea.

2. I and my sisters do not assent to any interference with the said Free
Grammar School in Swansea as proposed by the scheme mentioned in the said
Petition of the governing body of the said school.

3. If Her Majesty withholds her approval from the said scheme I am
prepared, so long as the income of the school does not exceed £2000 a year to
provide three scholarships of £50 a year each open to all boys belonging to
and so long as they may continue at the said school and to secure the same
by a sufficient charge on real estate belonging to me.

20 Sworn at Margam, in the County of
Glamorgan, this 24th day of January,
1894,

Before me,
M. TENNANT,
A Commissioner for Oaths.

EMILY C. TALBOT.

No. 19.—Affidavit of Daniel Robert Fearon, Esquire, sworn
March 20th, 1894.

Affidavit of
D. R. Fearon,
Esquire.
Sworn 20th
March, 1894.

I, DANIEL ROBERT FEARON of Gwydyr House Whitehall in the County of Middlesex Esquire Secretary to the Charity Commissioners for England and Wales who are the Respondents to a Petition which has been presented to Her Majesty's Privy Council in the above matters by the Governing Body of the Free Grammar School in Swansea make oath and say as follows:—

1. The joint education committee constituted for the County Borough of Swansea as provided by the 5th Section of the Welsh Intermediate Education Act 1889 duly submitted on the 8th day of June 1891 to the said Charity Commissioners as provided for by Section 3 Sub-section 7 of the said Act proposals for a scheme in which proposals, the endowments of the Swansea Grammar School Foundation were specified (as directed in Sub-section 1 of the said 3rd Section) as endowments which, in the opinion of the said joint education committee ought in addition to other funds to be used for the purposes of such scheme.

2. The endowments of the Swansea Grammar School as aforesaid so proposed to be dealt with in the scheme which, in accordance with such proposals has been framed printed and published by the said Charity Commissioners consist in addition to those which are specified in the 2nd schedule thereof of £20 per annum payable by the corporation of Swansea being the amount which was annually granted by the said corporation to the said school before the Municipal Corporations Act. In the opinion of the Charity Commissioners any sums derived from subscriptions given since 1819 which have been spent on the school buildings (including the chapel) could not conveniently be separated from the old endowments with which they have become mixed.

3. With respect to the third paragraph of the said petition in which reference is made to alleged regulations as to religious instruction made by Hugh Lord Bishop of Waterford and Lismore or under his authority in his lifetime no evidence of any such regulations has ever been produced to the said Charity Commissioners nor are they aware of anything tending to show that there ever were any such regulations. No regulations or bye-laws have been produced to the said Charity Commissioners earlier than the bye-laws of the said Swansea Grammar School which were approved and adopted by the then governing body of the said school on the 18th of August 1862.

4. Christopher Rice Mansel Talbot of Margam Park Glamorganshire Esquire who was found by the master's report, dated the 7th of June 1850 made in pursuance of an order made in Chancery on the 11th of May 1848 in the matter of the Swansea Free Grammar School to be the heir-at-law of Bussy Mansell referred to in the said petition died as I am informed and believe on the 17th day of January 1890.

5. I acquired my knowledge of the facts hereinbefore deposed to by me as such secretary as aforesaid.

Sworn at Gwydyr House Whitehall, in the City of }
Westminster, this 20th day of March, 1894, } D. R. FEARON.

Before me, ERNEST RADCLYFFE CRUMP,
A Commissioner for Oaths.





[32 & 33 VICT., chap. 56.]

A.D. 1869.

AN ACT TO AMEND THE LAW RELATING TO ENDOWED SCHOOLS AND OTHER EDUCATIONAL ENDOWMENTS IN ENGLAND, AND OTHERWISE TO PROVIDE FOR THE ADVANCEMENT OF EDUCATION.

[2d August 1869]

WHEREAS the Commissioners appointed by Her Majesty under letters patent dated the twenty-eighth day of December one thousand eight hundred and sixty-four, to enquire into the education given in schools not comprised within the scope of certain letters patent of Her Majesty, bearing date respectively the thirtieth day of June one thousand eight hundred and fifty-eight and the eighteenth day of July one thousand eight hundred and sixty-one, have made their report, and thereby recommended various changes in the government, management, and studies of endowed schools, and in the application of educational endowments, with the object of promoting their greater efficiency, and of carrying into effect the main designs of the founders thereof, by putting a liberal education within the reach of children of all classes; and have further recommended other measures for the object of improving education:

And whereas such objects cannot be attained without the authority of Parliament:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same as follows:

Endowed Schools Act, 1869.

Repealed by Statute Law Revision (No. 2) Act, 1893.

Preliminary.

1. This Act may be cited as "The Endowed Schools Act, 1869." Short title;
2. This Act shall not apply to Scotland or Ireland. Application of Act.
3. *This Act shall come into operation on the passing thereof, which date is in this Act referred to as the commencement of this Act.* Commencement of Act. Repealed by Statute Law Revision (No. 2) Act, 1893.
4. In this Act, unless the context otherwise requires, the term "endowment" means every description of property, real, personal, and mixed, which is Definition of "endowment."

dedicated to such charitable uses as are referred to in this Act, in whomsoever such property may be vested, and in whosesoever name it may be standing, and whether such property is in possession or in reversion, or a thing in action.

Definition of
"educational
endowment."

5. In this Act, unless the context otherwise requires, the term "educational endowment" means an endowment or any part of an endowment which, or the income whereof, has been made applicable or is applied for the purposes of education at school of boys and girls or either of them, or of exhibitions tenable at a school or an university or elsewhere, whether the same has been made so applicable by the original instrument of foundation or by any subsequent Act of Parliament, letters patent, decree, scheme, order, instrument, or other authority, and whether it has been made applicable or is applied in the shape—of payment to the governing body of any school or any member thereof, or to any teacher or officer of any school or to any person bound to teach, or to scholars in any school, or their parents, or—of buildings, houses, or school apparatus for any school, or otherwise howsoever.

Definition of
"endowed
school."

6. In this Act, unless the context otherwise requires, the term "endowed school" means a school which is (or if it were not in abeyance would be) wholly or partly maintained by means of any endowment: Provided that a school belonging to any person or body corporate shall not by reason only that exhibitions are attached to such school be deemed to be an endowed school.

20

Interpreta-
tion of terms.

7. In this Act, unless the context otherwise requires,—

The term "exhibition" means any exhibition, scholarship, or other like emolument; and the term "exhibitioners" and other terms referring to exhibitions are to be construed accordingly:

The term "governing body" means any body corporate, persons or person who have the right of holding, or any power of government of or management over any endowment or, other than as master, over any endowed school, or have any power, other than as master, of appointing officers, teachers, exhibitioners or others, either in any endowed school, or with emoluments out of any endowment:

30

The term "Committee of Council on Education" means the Lords of the Committee of Her Majesty's Privy Council on Education.

Nothing in
this Act,
except as
expressly
provided,
to apply
to certain
schools
herein
named.

8. Nothing in this Act, save as in this Act expressly provided, shall apply—

- (1.) To any school mentioned in section three of the Public Schools Act, 1868, or to the endowment thereof:
- (2.) To any school which, on the first of January one thousand eight hundred and sixty-nine, was maintained wholly or partly out of annual voluntary subscriptions, and had no endowment except school buildings or teachers' residences, or playground or gardens attached to such buildings or residences:



10 (3.) To any school which, at the commencement of this Act, is in receipt of an annual grant out of any sum of money appropriated by Parliament to the civil service, intituled "For Public Education in Great Britain," or to the endowment thereof; unless such school is a grammar school, as defined by the Act of the session of the third and fourth years of the reign of her present Majesty, chapter seventy-seven, or a school a department of which only is in receipt of such grant :

(4.) To any school (unless it is otherwise subject to this Act) which is maintained out of any endowment the income of which may, in the discretion of the governing body thereof, be wholly applied to other than educational purposes, or to such endowment :

(5.) To any school (unless it is otherwise subject to this Act) which receives assistance out of any endowment the income of which may, in the discretion of the governing body of such endowment, be applied to some other school :

20 (6.) To any endowment applicable and applied solely for promoting the education of the ministers of any church or religious denomination, or for teaching any particular profession, or to any school (unless it is otherwise subject to this Act) which receives assistance out of such endowment :

(7.) To any school which, during the six months before the first of January one thousand eight hundred and sixty-nine, was used solely for the education of choristers, or to the endowment of any such school if applicable solely for such education.

Reorganization of Endowed Schools.

9. The Commissioners (appointed as in this Act mentioned), by schemes made during the period, in the manner and subject to the provisions in this Act mentioned, shall have power, in such manner as may render any educational 30 endowment most conducive to the advancement of the education of boys and girls, or either of them, to alter, and add to any existing, and to make new trusts directions and provisions in lieu of any existing trusts directions and provisions which affect such endowment, and the education promoted thereby, including the consolidation of two or more such endowments, or the division of one endowment into two or more endowments.

Schemes for application of educational endowments.

10. The Commissioners by any scheme relating to an educational endowment made during the period, in the manner and subject to the provisions in this Act mentioned, shall have power to alter the constitution, rights, and powers of any governing body of an educational endowment, and to incorporate 40 any such governing body, and to establish a new governing body, corporate or unincorporate, with such powers as they think fit, and to remove a governing body, and in the case of any corporation (whether a governing body or not)

Schemes as to governing bodies.

incorporated solely for the purpose of any endowment dealt with by such scheme, to dissolve such corporation.

Educational
interests of
persons en-
titled to
privileges.

11. It shall be the duty of the Commissioners in every scheme which abolishes or modifies any privileges or educational advantages to which a particular class of persons are entitled, and that whether as inhabitants of a particular area or otherwise, to have due regard to the educational interests of such class of persons.

Schemes to
extend
benefit to
girls.

12. In framing schemes under this Act, provision shall be made so far as conveniently may be for extending to girls the benefits of endowments.

Saving of
interest of
foundatorer,
master,
governing
body, &c.

13. It shall be the duty of the Commissioners to provide in any scheme 10 for saving or making due compensation for the following vested interests; namely,

(1.) The interests of any boy or girl who was at the time of the passing of this Act on the foundation of any endowed school:

(2.) The tenure by any person of any exhibition dealt with by any such scheme which was held by him at the time of the passing of this Act:

(3.) Such interest as any teacher or officer in any endowed school appointed to his office before the passing of the Endowed Schools Act, 1868, may have:

(4.) Such interest as any person may have in any pension or compensation allowance to which he was entitled at the passing of the Endowed Schools Act, 1868:

(5.) Such interest as any member of the governing body of any educational endowment appointed to his office before the passing of the Endowed Schools Act, 1868, may have in any emolument payable to him as such, or in any right of patronage which has a marketable value, and is capable of being sold by him:

20

It shall also be the duty of the Commissioners in any scheme relating to any endowed school to have regard to the rights of patronage which may be at the 30 passing of this Act exercised by any member of the governing body of such school in consequence of any gift or donation made by him.

Not to auth-
orize schemes
for inter-
fering with
modern
endowments,
cathedral
schools, &c.

14. Nothing in this Act shall authorize the making of any scheme interfering—

(1.) With any endowment, or part of any endowment (as the case may be), originally given to charitable uses, or to such uses as are referred to in this Act, less than fifty years before the commencement of this Act, unless the governing body of such endowment assent to the scheme:

10 (2.) With the constitution of the governing body of any school wholly or partly maintained out of the endowment of any cathedral or collegiate church, or forming part of the foundation of any cathedral or collegiate church, unless the dean and chapter of such church assent to the scheme :

(3.) With the constitution of the governing body of any school, which governing body is subject to the jurisdiction of the governing body of the people called Quakers, or of the congregation of United Brethren called Moravians, unless the governing body of such school assent to the scheme :

(4.) With the constitution of the governing body of any school or with any exhibition (other than one restricted to any schools, or school or district), forming part of the foundation of any college in Oxford or Cambridge, unless the college assent to the scheme.

15. In every scheme (except as hereafter mentioned) relating to any endowed school or educational endowment the Commissioners shall provide that the parent or guardian of, or person liable to maintain or having the actual custody of, any scholar attending such school as a day scholar, may claim, by notice in writing addressed to the principal teacher of such school, the exemption 20 of such scholar from attending prayer or religious worship, or from any lesson or series of lessons on a religious subject, and that such scholar shall be exempted accordingly, and that a scholar shall not by reason of any exemption from attending prayer or religious worship, or from any lesson or series of lessons on a religious subject, be deprived of any advantage or emolument in such endowed school or out of any such endowment to which he would otherwise have been entitled, except such as may by the scheme be expressly made dependent on the scholar learning such lessons.

They shall further provide that if any teacher, in the course of other lessons at which any such scholar is in accordance with the ordinary rules of 30 such school present, teaches systematically and persistently any particular religious doctrine from the teaching of which any exemption has been claimed by such a notice as is in this section before provided, the governing body shall, on complaint made in writing to them by the parent, guardian, or person having the actual custody of such scholar, hear the complainant, and inquire into the circumstances, and, if the complaint is judged to be reasonable, make all proper provisions for remedying the matter complained of.

16. In every scheme (except as hereinafter mentioned) relating to an endowed school the Commissioners shall provide that if the parent or guardian of, or person liable to maintain or having the actual custody of, any scholar 40 who is about to attend such school, and who but for this section could only be admitted as a boarder, desires the exemption of such scholar from attending prayer or religious worship, or from any lesson or series of lessons on a religious subject, but the persons in charge of the boarding houses of such school are not willing to allow such exemption, then it shall be the duty of the governing

As to
religious
education in
day schools.

As to
religious
education in
boarding
schools.

body of such school to make proper provisions for enabling the scholar to attend the school and have such exemption as a day scholar, without being deprived of any advantage or emolument to which he would otherwise have been entitled, except such as may by the scheme be expressly made dependent on the scholar learning such lessons. And a like provision shall be made for a complaint by such parent, guardian, or person as in the case of a day school.

Governing body not to be disqualified on ground of religious opinions.

17. In every scheme (except as hereinafter mentioned) relating to any educational endowment the Commissioners shall provide that the religious opinions of any person, or his attendance or non-attendance at any particular form of religious worship, shall not in any way affect his qualification for being 10 one of the governing body of such endowment.

Masters not to be required to be in holy orders.

18. In every scheme (except as hereinafter mentioned) relating to an endowed school the Commissioners shall provide that a person shall not be disqualified for being a master in such school by reason only of his not being or not intending to be in holy orders.

Schools excepted from provisions as to religion.

19. A scheme relating to—

- (1.) Any school which is maintained out of the endowment of any cathedral or collegiate church, or forms part of the foundation of any cathedral or collegiate church ; or
- (2.) Any educational endowment, the scholars educated by which are, in 20 the opinion of the Commissioners (subject to appeal to Her Majesty in Council as mentioned in this Act), required by the express terms of the original instrument of foundation or of the statutes or regulations made by the founder or under his authority, in his lifetime or within fifty years after his death, (which terms have been observed down to the commencement of this Act,) to learn or to be instructed according to the doctrines or formularies of any particular church, sect, or denomination,

is excepted from the foregoing provisions respecting religious instruction, and attendance at religious worship (other than the provisions for the exemption of 30 day scholars from attending prayer or religious worship, or lessons on a religious subject, when such exemption has been claimed on their behalf,) and respecting the qualification of the governing body and masters (unless the governing body, constituted as it would have been if no scheme under this Act had been made, assents to such scheme).

And a scheme relating to any such school or endowment shall not, without the consent of the governing body thereof, make any provision respecting the religious instruction or attendance at religious worship of the scholars, (except for securing such exemption as aforesaid,) or respecting the religious opinions of the governing body or masters.

20. In every scheme the Commissioners may, if they think fit, provide for the transfer to Her Majesty of all rights and powers reserved to, belonging to, claimed by, or capable of being exercised by any person, persons, or body corporate as visitor of the endowed school or educational endowment to which the scheme relates, except in the case of cathedral schools.

Transfer of jurisdiction of visitors

They shall also provide that such rights and powers as aforesaid, if vested in Her Majesty* at the commencement of this Act, or if transferred to Her Majesty by the scheme, shall be exercised only through and by the Charity Commissioners for England and Wales.

10 21. In every scheme the Commissioners shall provide for the abolition of all jurisdiction of the ordinary relating to the licensing of masters in any endowed school, or of any jurisdiction arising from such licensing.

Abolition of jurisdiction of ordinary as to licensing masters.

22. In every scheme the Commissioners shall provide for the dismissal at pleasure of every teacher and officer in the endowed school to which the scheme relates, including the principal teacher, with or without a power of appeal in such cases and under such circumstances as to the Commissioners may seem expedient.

Tenure of office of teachers.

23. In any scheme the Commissioners may insert all powers and provisions that may be thought expedient for carrying its objects into effect.

General provisions.

20 24. Where part of an endowment is an educational endowment within the meaning of this Act, and part of it is applicable or applied to other charitable uses, the scheme shall be in conformity with the following provisions (except so far as the governing body of such endowment assent to the scheme departing therefrom); that is to say:

Apportionment of mixed endowments.

(1.) The part of the endowment or annual income derived therefrom which is applicable to such other charitable uses shall not be diverted by the scheme from such uses;

(2.) The part of the endowment or annual income so applicable to such other charitable uses shall be deemed to be the proportion which, in the opinion of the Commissioners, subject to appeal to Her Majesty in Council, is the average proportion which has during the three years before the passing of this Act been appropriated as regards capital or applied as regards income to such uses, or (if that proportion differs from the proportion which ought in accordance with the express directions of the instrument of foundation or the statutes or regulations during the said three years governing such endowment to have been so appropriated or applied) which ought to have been so appropriated or applied;

30

(3.) If the proportion applicable to other charitable uses exceeds one half of the whole of the endowment, the governing body of such endowment existing at the date of the scheme shall, so far as regards its non-educational purposes, remain unaltered by the scheme;

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(4.) Where the governing body remains so unaltered, that body shall pay or apply for educational purposes such proportion as under the former provisions of this section is applicable to those purposes, or such less sum as may be fixed by the Commissioners, subject to appeal to Her Majesty in Council;

(5.) Where during the said three years any portion of the endowment as existing at the commencement of such three years, or the annual income of such portion, has been accumulated and not applied to any purpose, the Charity Commissioners for England and Wales shall determine whether such portion or income is to be considered, for the purposes 10 of this section, as having been appropriated or applied for educational purposes, or for other charitable uses;

(6.) Where by reason of the Act of Parliament, letters patent, decree, scheme, order, or other instrument during the said three years governing an endowment not having during the said three years been duly carried into effect, or being merely provisional, the preceding provisions of this section are not in the opinion of the Charity Commissioners for England and Wales applicable to such endowment, the Charity Commissioners shall determine what proportions shall be considered as applicable to educational purposes, and such other 20 charitable uses respectively.

Subject to the foregoing provisions of this section, the Commissioners shall have power by any scheme to deal with such endowment, and with the governing body thereof, in the same manner in all respects as if the whole of it were an educational endowment.

New endowment mixed with old buildings, &c.

25. Where an endowment or part of an endowment originally given to charitable uses less than fifty years before the commencement of this Act has, by reason of having been spent on school buildings or teachers' residences, or playground or gardens attached to such buildings or residences, become so mixed with an old endowment given more than fifty years before the passing of this Act, that in the opinion of the Commissioners (subject to appeal to Her 30 Majesty in Council) it cannot conveniently be separated from such old endowment, then the whole endowment shall for the purposes of this Act be deemed to be an endowment originally given to charitable uses more than fifty years before the commencement of this Act.

Apportionment of old and new endowments.

26. Where part of an endowment has been originally given to charitable uses more than fifty years, and another part less than fifty years before the commencement of this Act, and the two have not become mixed, as mentioned in this Act, so that they cannot conveniently be separated, and the governing body do not assent to the scheme dealing with the modern part of the endowment, 40 the scheme relating to the whole part of the endowment shall, subject to appeal to Her Majesty in Council, apportion such parts, and may direct either that the endowment shall be divided and appropriated accordingly in manner provided in the scheme, or that the whole endowment shall be vested in the governing

body of one of such parts ; and that the portion which is to be applied by the governing body of the other part shall be a debt due to them from the other governing body, and shall be a first charge on the endowment after payment of any charges existing thereon at the date of the scheme.

27. Where an educational endowment at the commencement of this Act forms or has formed part of the endowment of any cathedral or collegiate church, the Commissioners shall inquire into the adequacy of such educational endowment, and may submit to the Ecclesiastical Commissioners for England proposals for meeting out of the common fund of the Ecclesiastical Commissioners the 10 claims of any school receiving assistance out of the endowment of any such church to have an increased provision made for it in respect of any estates of such church which may have been transferred to the Ecclesiastical Commissioners. And the Ecclesiastical Commissioners on assenting to any such proposal or any modification of it may make such provision out of their common fund by such means and in such manner as they think best, and a scheme under this Act may with their consent be made for carrying such proposal into effect.

Claims of
cathedral
schools
against Ec-
clesiastical
Commis-
sioners.

28. In any scheme the Commissioners may provide for the alteration from time to time of such portions of the scheme as they think expedient by the 20 Charity Commissioners for England and Wales in the exercise of their ordinary jurisdiction, provided such alteration shall not be contrary to anything contained in this Act.

As to altera-
tion of
schemes.

29. For the purposes of this Act endowments attached to any school for the payment of apprenticeship fees or for the advancement in life or for the maintenance or clothing or otherwise for the benefit of children educated at such school shall be deemed to be educational endowments.

Apprentice-
ship fees, &c

Provided that nothing shall be construed to prevent a scheme relating to any such endowment from providing, if the governing body so desire, for the continued application of such endowment to the same purposes.

30. In the case of any endowment which is not an educational endowment as defined in this Act, but the income of which is applicable wholly or 30 partially to any one or more of the following purposes ; namely,—

Application
to education
of non-
educational
charities.

Doles in money or kind ;

Marriage portions ;

Redemption of prisoners and captives ;

Relief of poor prisoners for debt ;

Loans ;

Apprenticeship fees ;

Advancement in life, or

Any purposes which have failed altogether or have become insignificant in 40 comparison with the magnitude of the endowment, if originally given to charitable uses in or before the year of our Lord one thousand eight hundred ;

it shall be lawful for the Commissioners, with the consent of the governing body, to declare, by a scheme under this Act, that it is desirable to apply for the advancement of education the whole or any part of such endowment, and thereupon the same shall for the purposes of this Act be deemed to be an educational endowment, and may be dealt with by the same scheme accordingly: Provided that—

- (1.) In any scheme relating to such endowment due regard shall be had to the educational interests of persons of the same class in life or resident within the same particular area as that of the persons who at the commencement of this Act are benefited thereby : 10
- (2) No open space at the commencement of this Act enjoyed or frequented by the public shall be enclosed in any other manner than it might have been if this Act had not passed.

Procedure for making Schemes.

31. For the purposes of this Act it shall be lawful for Her Majesty from time to time to appoint Commissioners (in this Act referred to as "the Commissioners"), and to appoint a secretary to such Commissioners, and to remove any Commissioners or secretary so appointed and appoint others, but the number of such Commissioners shall not exceed three at any one time.

The Commissioners of Her Majesty's Treasury may assign to the Commissioners and secretary such salaries, and allow them to employ such assistant commissioners, officers, and clerks, as the Commissioners of Her Majesty's Treasury may think proper. 20

The Commissioners, secretary, and other persons so appointed and employed shall not hold office after the expiration of the time limited for the exercise of their powers.

32. The Commissioners, after such examination or public inquiry as they think necessary, may prepare drafts of schemes for the purposes of this Act, subject to the following conditions; namely,

(1.) Where the gross average annual income of an endowment or of the aggregate educational endowments of an endowed school during the three years next before the first of January one thousand eight hundred and sixty-nine,— 30

(a) exceeded ten thousand pounds a year, then before the expiration of twelve months, and where it—

(b) exceeded one thousand pounds a year, then before the expiration of six months,

after the commencement of this Act, any governing body of any such endowment may, if they give to the Commissioners such notice as in this section mentioned, prepare and submit to the Commissioners in writing a scheme relating to such endowment, and the Commissioners 40

Appointment
of Commis-
sioners for
purposes of
this Act.

Repealed 37
& 38 Vict.
c. 87, s. 7.

Preparation
of draft
scheme.

shall consider such scheme before they themselves prepare any draft of a scheme relating to the same endowment ; and any scheme so prepared by the governing body, and submitted to the Commissioners, shall, if approved by them, be adopted and proceeded with by them in the same manner as if it were a draft scheme originally prepared by themselves :

10 (2.) The notice to be given by a governing body to the Commissioners is a notice of their intention to prepare and submit to the Commissioners a draft of a scheme, which notice shall be in writing, and shall be given to the Commissioners within two months after the commencement of this Act :

(3.) The certificate of the Charity Commissioners for England and Wales shall be conclusive evidence for the purposes of this section of the income of an endowment or aggregate endowments of an endowed school.

20 33. When the Commissioners have prepared the draft of a scheme they shall cause it to be printed, and printed copies of it to be sent to the governing body or governing bodies of the endowment or endowments to which it relates, and to the principal teacher of any endowed school to which it relates, and shall also cause the draft, or a proper abstract of it, to be published and circulated in such manner as they think sufficient for giving information to all persons interested.

As to printing and publication of draft schemes.

34. During *three** months after the first publication of the draft of a scheme the Commissioners shall receive any objections or suggestions made to them in writing respecting such scheme, and shall receive any alternative scheme submitted to them by the governing body of any endowment to which the scheme of the Commissioners relates.

Objections and suggestions respecting scheme and alternative scheme.

30 35. At any time after the expiration of the *three** months the Commissioners, or any one of them, if they think fit, may hold an inquiry or they may refer the draft of the scheme and the alternative scheme, if any, to an Assistant Commissioner, and direct him to hold an inquiry concerning the subject matter of such scheme or schemes.

* "Three altered to two" by 36 & 37 Vict. c. 86 s. 12.

Power to make inquiry into schemes.

* Two ibid.

40 36. As soon as may be after the expiration of the said *three** months, or the holding of such inquiry by the Commissioners or one of them, or the receipt by the Commissioners of the report of the Assistant Commissioner, on the inquiry held by him (as the case may be), the Commissioners shall proceed to consider any objections or suggestions made to them in writing respecting the draft scheme, and to consider the alternative scheme (if any), and the report (if any), and thereupon they shall, if they think fit, frame a scheme in such form as they think expedient, and submit it for the approval of the Committee of Council on Education : Provided that where a scheme has been prepared and submitted in pursuance of this Act to the Commissioners before the Commissioners have prepared the draft of a scheme, the Commissioners shall, if

As to framing of schemes.

requested by the governing body which submitted it, submit such scheme with their own to the Committee of Council on Education.

Approval of Committee of Council on Education to schemes.

37. The Committee of Council on Education shall consider all schemes so submitted to them, and may, if they think fit, approve any scheme so submitted, and shall cause the scheme so approved to be published and circulated in such manner as they think sufficient for giving information to all persons interested.

Repealed 36 & 37 Vict. c. 87, s. 20.

If the Committee do not approve a scheme submitted to them the Commissioners may frame and submit another scheme in the same manner as if no scheme had been previously framed and submitted ; provided that where the Committee of Council on Education have not approved any scheme relating to an endowment, the governing body of which may under this Act prepare and submit a draft of a scheme before the Commissioners prepare a draft of a scheme, such governing body may, within three months after notice of such non-approval (if within one month thereafter they give written notice of their intention to the Commissioners), submit to the Commissioners an amended scheme ; and the Commissioners shall consider the same before they frame and submit another scheme relating to the same endowment, and such amended scheme of the governing body, if approved by the Commissioners, shall be adopted and proceeded with by them as if it were a scheme originally framed by themselves.

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Consent of colleges or hall.

38. Where a scheme abolishes any restriction which makes any exhibition tenable only at a particular college or hall in any university, and the exhibition is payable out of property held by such college, or by the university in trust for such college or hall, (otherwise than as governing body of a school, or as a bare trustee,) the scheme shall not be approved if not less than two-thirds of the governing body of such college or hall dissent therefrom in writing ; but in every such case the Committee of Council shall make a special report to Parliament setting out the proposed scheme, and stating the dissent, and the reasons, if any, assigned for it.

Appeal to Queen in Council.

39. If the governing body of any endowment to which a scheme relates, or any person or body corporate directly affected by such scheme, feels aggrieved by the scheme on the ground—

- (1.) Of any decision of the Commissioners in a matter in which an appeal to Her Majesty in Council is given by this Act ; or
- (2.) Of the scheme not saving or making due compensation for his or their vested interest as required by this Act ;
- (3.) Of the scheme being one which is not within the scope of or made in conformity with this Act ; or
- (4.) (If the governing body are the petitioners,) of a scheme not having due regard to any educational interests, to which regard is required by this Act to be had, on the abolition or modification of any privileges or educational advantages to which a particular class of persons are entitled ;

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such governing body, person, or body corporate may within two months after the publication of the scheme when approved petition Her Majesty in Council stating the grounds of the petition, and praying Her Majesty to withhold her approval from the whole or any part of the scheme.

Her Majesty, by Order in Council, may refer any such petition for the consideration and advice of five members at the least of Her Privy Council, of whom two (not including the Lord President) shall be members of the Judicial Committee, and such five members may, if they think fit, admit counsel to be heard in support of and against the petition, and shall have the same power with respect to the costs of all parties to the petition as the Court of Chancery would have if the petition were a proceeding in that court by way either of petition or information for obtaining a scheme.

Repealed
36 & 37 Vict.
c. 87, s. 20.

Any petition not proceeded with in accordance with the regulations made with respect to petitions presented to the Judicial Committee of the Privy Council shall be deemed to be withdrawn.

It shall be lawful for Her Majesty by Order in Council to direct that the scheme petitioned against be laid before Parliament, or to remit it to the Commissioners with such declaration as the nature of the case may require.

40. Where a scheme is remitted with a declaration the Commissioners may either proceed to prepare another scheme in the matter in the same manner as if no scheme had been previously prepared, or may submit for the approval of the Committee of Council on Education such amendments in the Scheme as will bring it into conformity with the declaration.

Proceedings
where scheme
is remitted.

The Committee may, if they think fit, approve the scheme with such amendments, and shall publish and circulate the same in the same manner and subject to the same right of petition to Her Majesty in Council as is before directed in the case of the approval of a scheme, and so on from time to time as often as occasion may require.

41. *After the time has expired for a petition to Her Majesty in Council against any scheme, or after Her Majesty in Council has directed a scheme to be laid before Parliament, the scheme shall be forthwith laid before both Houses of Parliament, if Parliament be sitting, or if not, then within three weeks after the beginning of the next ensuing session of Parliament, and after such scheme has lain for forty days before Parliament, then unless within such forty days an address has been presented by one or other of the said Houses praying Her Majesty to withhold her consent from such scheme or any part thereof, it shall be lawful for Her Majesty by Order in Council to declare her approbation of such scheme or any part thereof to which such address does not relate.*

Schemes, &c.,
to be laid
before
Parliament.

Repealed
36 & 37 Vict.
c. 87, s. 20.

42. Where a scheme relates to an endowment which during the three years preceding the commencement of this Act has had an average annual gross income of not more than one hundred pounds, no petition shall be presented to Her Majesty in Council with reference to such scheme, so far as it relates to such an endowment.

Exception as
to schemes for
endowments
under 100*l.*

The certificate for the Charity Commissioners of England and Wales shall be conclusive evidence for the purposes of this section of the income of an endowment.

New scheme
on non-
approval.

43. If any scheme or any part thereof is not approved by Her Majesty, then the Commissioners may thereupon proceed to prepare another scheme in the matter, and so on from time to time as often as occasion may require.

Amendment
of schemes.

44. Schemes may be from time to time framed and approved for amending any scheme approved under this Act, and all the provisions of this Act relative to an original scheme shall apply also to an amending scheme, *mutatis mutandis*.

Scheme to
take effect.

45. A scheme shall not of itself have any operation, but the same, when and as approved by Her Majesty in Council, shall from the date specified in the scheme, or, if no date is specified, from the date of the Order in Council, have full operation and effect in the same manner as if it had been enacted in this Act.

Effect of
scheme.

46. Upon a scheme coming into operation, every Act of Parliament, letters patent, statute, deed, instrument, trust, or direction relating to the subject matter of the scheme, and expressed by such scheme to be repealed and abrogated, shall, by virtue of the scheme and of this Act, be repealed and abrogated from the date in that behalf specified, or, if no date is specified, from the date of the scheme coming into operation, and all property purporting to be transferred by such scheme shall, without any other conveyance or act in the law (so far as may be), vest in the transferees, and so far as it cannot be so vested shall be held in trust for the transferees.

Evidence of
scheme.

47. The Order in Council approving a scheme shall be conclusive evidence that such scheme was within the scope of and made in conformity with this Act, and the validity of such scheme and order shall not be questioned in any legal proceedings whatever.

Quorum of
Commiss-
sioners.
Repealed
37 & 38 Vict.
c. 87 s. 7.

48. *A scheme of the Commissioners shall not be submitted to the Committee of Council on Education unless two at least of the Commissioners have signified in writing their approat of such scheme, but in all other respects one Commis- sioner may act under this Act.*

Power of
Commiss-
sioners, &c.,
as to pro-
curing
evidence.
18 & 19 Vict.
c. 124 ss. 6-9.

49. Section eleven of the Charitable Trusts Act, 1853, (which relates to the production of documents by public officers,) and sections six, seven, eight, and nine of "the Charitable Trust Act, 1855", (relating to evidence, and the attendance and examination of witnesses,) shall extend to the Commissioners and Assistant Commissioners under this Act, as if they were the Commissioners and inspectors mentioned in those sections.

Inquiry by
public sittings,
by Com-
missioners, &c.

50. Where any Commissioner or Assistant Commissioner holds a local inquiry for the purpose of a scheme under this Act, whether before or after the

first publication of a draft scheme, he shall for that purpose hold a sitting or sittings in some convenient place in the neighbourhood of the place where the endowment is situate or administered, and thereat take and receive any evidence and information offered, and hear and enquire into any objections or suggestions made or to be made during the sitting or sittings respecting the scheme or the endowment or school, with power from time to time to adjourn any sitting.

Notice shall be published, in such manner as the Commissioners direct, of every such sitting (except an adjourned sitting), fourteen days at least before the holding thereof.

10 51. The Assistant Commissioner who holds a local inquiry shall make a report in writing to the Commissioners setting forth the result of the inquiry, and where a draft scheme, with or without an alternative scheme, has been referred to him whether in his opinion such draft or alternative scheme, as the case may be, should be approved with or without alteration, and if with any, then with what alteration, and his reasons for the same, and the objections and suggestions, if any, made on the inquiry, and his opinion thereon.

As to report
of Assistant
Com-
missioners.

Miscellaneous.

52. During the continuance of the power of making schemes under this Act the Charity Commissioners for England and Wales, or any Court or Judge, shall not, with respect to any educational endowment which can be dealt with by a scheme under this Act, make any scheme or appoint any new trustees without the consent of the Committee of Council on Education.

Restriction
of powers of
Charity Com-
missioners,
Court, &c.
Repealed
37 & 38 Vict.
c. 87 s. 7.

During the same period the Charity Commissioners shall have the same power of acting upon application made to them by the Commissioners under this Act with respect to any educational endowment as they would have if such application had been made by the governing body of such endowment; and the governing body shall conform to any order made or directions given by the Charity Commissioners upon such application.

53. The chapel of an endowed school subject to this Act, which either has been before or after the commencement of this Act consecrated according to law, or is authorised for the time being by the bishop of the diocese in which the chapel is situate, by writing under his hand, to be used as a chapel for such school, shall be deemed to be allowed by law for the performance of public worship and the administration of the sacraments according to the Liturgy of the Church of England, and shall be free from the jurisdiction and control of the incumbent of the parish in which such chapel is situate.

School
chapels
appropriated
for religious
worship free
from
parochial
jurisdiction.

54. The majority of the members of a governing body who are present at a meeting of their body duly constituted shall have power to do anything that may be required to be done by a governing body for the purposes of this Act: Provided that this power shall be in addition to and not in restraint of any power which any meeting of such governing body may have independently of this Act.

Quorum of
governin
body for
acting under
this Act.

Persons
acquiring
interest after
passing of
Act to be
subject to
scheme.

55. Every interest, right, privilege, or preference, or increased interest, right, privilege, or preference which any person may acquire after the passing of this Act in or relative to any endowed school or educational endowment, or in the governing body thereof, or as member of any such governing body, or in or relative to any mastership, office, place, employment, pension, compensation, allowance, exhibition, or emolument in the gift of any such governing body, shall be subject to the provisions of any scheme made under this Act; and the governing body of an endowed school or educational endowment shall not, during the continuance of the power of making schemes under this Act, begin to build, rebuild, or enlarge any school buildings or teachers' residences or 10 buildings connected therewith, except with the written consent of the Commissioners, or under the directions of such a scheme, but this provision shall not prevent them from continuing any works begun before the passing of this Act, or from doing anything necessary for the repair or maintenance of buildings or residences existing at the passing of this Act.

Service of
notices.

56. Notices and documents required to be served on or sent to a governing body for the purposes of this Act may be served or sent by being left at the office, if any, of such governing body, or being served on or sent to the chairman, secretary, clerk, or other officer of such governing body, or if there is no office, chairman, secretary, clerk, or officer, or none known to the Commissioners (after 20 reasonable inquiry), by being served on or sent to the principal teacher of the school (if any) under such governing body.

Service by
post.

57. Notices and documents required to be served or sent for the purposes of this Act may be served or sent by post, and shall be deemed to have been served and received at the time when the letter containing the same would be delivered in the ordinary course of the post; and in proving such service or sending it shall be sufficient to prove that the letter containing the notices or documents was properly addressed and put into the post office.

Expenses of
Act.

58. The salaries paid and expenses incurred in carrying into effect this Act shall be defrayed out of moneys to be provided by Parliament. 30

Duration of
powers of
making
schemes.
Repealed
37 & 38 Vict.
c. 87, s. 7.

59. *The powers of making and approving of a scheme under this Act shall not, unless continued by Parliament, be exercised after the thirty-first of December one thousand eight hundred and seventy-two, or such further day not later than the thirty-first of December one thousand eight hundred and seventy-three, as may be appointed by Her Majesty in Council.*



[36 & 37 VICT. CHAP. 87.]

AN ACT TO CONTINUE AND AMEND THE ENDOWED SCHOOLS ACT, 1869.

Endowed Schools Act, 1873.

[5th August, 1873.]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :*

Repealed by Stat. Law Revision (No. 2) Act, 1893.

Construction of Act and short title, 32 & 33 Vict. c. 56.

*Repealed by Stat. Law Revision (No. 2) Act, 1893.

Commencement of Act.

1. This Act shall be construed as one with the Endowed Schools Act, 1869 (in this Act referred to as the principal Act), and **the principal Act and this Act may be cited together as the Endowed Schools Act, 1869 and 1873, and this Act may be cited as the Endowed Schools Act, 1873.*

2. This Act shall come into operation on the first day of September one thousand eight hundred and seventy-three, which day is in this Act referred to as the commencement of this Act.

3. Where an endowed school, not being a grammar school as defined by the Act of the session of the third and fourth years of the reign of Her present Majesty, chapter seventy-seven, or a department of such a grammar school, is at the commencement of this Act an elementary school within the meaning of the Elementary Education Act, 1870, and the gross average annual income of the aggregate educational endowments of such school during the three years next before such commencement did not exceed one hundred pounds, in such case after the commencement of this Act nothing in the principal Act shall apply to such school or the endowments thereof, and section seventy-five of the Elementary Education Act, 1870, shall apply to such school and the endowments thereof in like manner as if it were a school which, at the commencement of the principal Act, was in receipt of an annual parliamentary grant, and schemes may accordingly be framed, submitted, and approved under the said section with reference to such school and endowments.

Exception of Elementary schools from 32 & 33 Vict. c. 56, and application thereto of 33 & 34 Vict. c. 75, s. 75.

Provided, that nothing in this section shall prevent the Commissioners from making, on the application of the governing body of an endowment of which part only is an educational endowment to which this section applies, a scheme dealing, in pursuance of the principal Act, with the part of such endowment applicable or applied to other charitable uses, and in such case the scheme may deal with the endowed school and endowment thereof in like manner as if this section had not been enacted.

The governing body of every school to which this section applies may, if they think fit, charge such fees to the scholars as may from time to time be approved by the Committee of Council on Education, and shall permit the school to be inspected and the scholars therein to be examined by one of Her Majesty's Inspectors of schools at such times and in such manner as the Committee of Council on Education may from time to time direct.

¹ Repealed by
Stat. Law
Revision
(No. 2) Act,
1893.

Extension
of Endowed
Schools Act
to endow-
ments &c.,
vested in
Her Majesty
in right of
the Crown
or Duchy of
Lancaster.

The certificate of the Charity Commissioners **for England and Wales* that a school is or is not a school to which this section applies shall be conclusive evidence of the fact for the purposes of the principal Act and this section.

4. Where any endowment, or any right of holding or any power of government of or management over any endowment, or any power of appointing officers, teachers, exhibitioners, or others, either in any endowed school or with emoluments out of any endowment, is vested in Her Majesty in right of her Crown or of the Duchy of Lancaster, the Endowed School Acts, 1869 and 1873, shall extend to such endowment, right, or power; and the term "governing body" in those Acts shall be deemed to include Her Majesty : 10

Provided that—

- (1.) Any scheme with respect to such endowment, right, or power shall not be approved by the Committee of Council on Education unless Her Majesty assent to such scheme :
- (2.) All notices and documents required to be served on or sent to a governing body for the purposes of the Endowed Schools Acts, 1869 and 1873, may be served on or sent to the Lord Chancellor or the Chancellor of the Duchy of Lancaster, as the case may require :
- (3.) With the consent of Her Majesty, a scheme may deal with any such right or power without saving or making due compensation therefor : 20
- (4.) Any assent or consent of Her Majesty required for the purpose of the Endowed Schools Acts, 1869 and 1873, may be signified by Her Majesty's Sign Manual, countersigned by the Lord Chancellor or by the Chancellor of the Duchy of Lancaster, as the case may require :

5. It shall be the duty of the Commissioners in every scheme to have the same regard to the educational interests of persons in a particular class in life as they are by section eleven of the principal Act required to have to the educational interests of any particular class of persons.

Amend-
ment of
32 & 33 Vict.
c. 56, s. 11.

Amend-
ment of
32 & 33 Vict.
c. 56, s. 17,
as to holders
of office
being re-
tained on
governing
body.

Exten-
sion of
32 & 33 Vict.
c. 56, s. 19,
as to schools
excepted
from the
provisions as
to religion.

6. Where under the express terms of the original instrument of foundation of any endowed school or educational endowment the holder of any particular office is a member of the governing body of the school or endowment, nothing in section seventeen of the principal Act shall be deemed to prevent the holder for the time being of such office from being retained as a member of the governing body of such school or endowment. 30

7. A scheme relating to any educational endowment originally given to charitable uses since the passing of the Act of the first year of the reign of William and Mary, chapter eighteen (commonly called the Toleration Act), if by the express terms of the original instrument of foundation, or of the statutes or regulations made by the founder, or under his authority in his lifetime, or within forty years after his death (which terms have been observed down to the 40

commencement of the principal Act), it is required that the majority of the members of the governing body or that the majority of the persons electing the governing body of such endowment, or that the principal teacher employed in the school, or that the scholars educated by the endowment, shall be members of a particular church, sect, or denomination, shall be excepted from the provisions of the principal Act mentioned in section nineteen of the principal Act in like manner as a scheme mentioned in that section, and that section shall be construed as if a scheme relating to such an educational endowment as is above in this section mentioned were a scheme relating to an educational endowment mentioned in sub-section two of the said section.

8. *Whereas by section twenty-five of the principal Act it is enacted as follows: "Where an endowment or part of an endowment originally given to charitable uses less than fifty years before the commencement of this Act has, by reason of having been spent on school buildings or teachers' residences, or playground or gardens attached to such buildings or residences, become so mixed with an old endowment given more than fifty years before the passing of this Act, that in the opinion of the Commissioners (subject to appeal to Her Majesty in Council) it cannot conveniently be separated from such old endowment, then the whole endowment shall for the purposes of this Act be deemed to be an endowment originally given to charitable uses more than fifty years before the commencement of this Act," and it is expedient to amend the said section: Be it therefore enacted, that—*

Amendment of
32 & 33 Vict.
c. 56, s. 25.
as to new
endowment
mixed with
old buildings.

Repealed by
Stat. Law
Revision
(No. 2) Act,
1893.

Where it appears to the Commissioners (subject to appeal to Her Majesty in Council) that the endowment originally given less than fifty years before the commencement of the principal Act is in value not less than the old endowment and was given under the belief that the old endowment was attached to some particular church, sect, or denomination, a scheme relating to such endowment shall provide for the giving of religious instruction to the scholars belonging to such church, sect, or denomination.

30 9. *Where two or more schools are jointly interested in an educational endowment, and one of such schools is a school mentioned in section three of "The Public Schools Act, 1868," the Commissioners shall not, without the consent of the special Commissioners for the time being under "The Public Schools Act, 1868," deal by any scheme with the interest of such last-mentioned school in the endowment, but, with the consent of those Commissioners to the dealing with such interest, may, by a scheme under the principal Act, deal with such interest as well as with all other interests in such endowment.*

Scheme as to
endowments
in which
schools
under
31 & 32 Vict.
c. 118, are
interested.
Repealed by
Stat. Law
Revision Act
1883.

10. A provision inserted in pursuance of section twenty-eight of the principal Act in any scheme, whether made before or after the passing of this Act, shall not be deemed to give the Charity Commissioners *for England and Wales any power to alter any portions of such scheme except by a scheme established in pursuance of the Acts for the time being in force relating to such Charity Commissioners, or any of those Acts, and upon the same application, and after the same procedure and notices, and subject to the same right of appeal as a

Explanation
of 32 & 33
Vict. c. 56,
s. 28, as to
alteration of
schemes.
*Repealed by
Stat. Law
Revision
(No. 2) Act,
1893.

scheme established under those Acts by the Charity Commissioners in the exercise of their ordinary jurisdiction.

Alteration
of religious
instruction.

11. Where a scheme under the principal Act gives the governing body of any endowed school power to make regulations respecting the religious instruction given at such school, the scheme shall also provide for any alteration in such regulations not taking effect until the expiration of not less than one year after notice of the making of the alteration is given.

Amend-
ment of
32 & 33 Vict.
c. 56, ss. 34
to 36, as to
time for
objections to
schemes.

12. **Whereas by section thirty-four of the principal Act it is provided as follows: "During three months after the first publication of the draft of a scheme the Commissioners shall receive any objections or suggestions made to them in writing respecting such scheme, and shall receive any alternative scheme submitted to them by the governing body of any endowment to which the scheme of the Commissioners relates;" and it is expedient to reduce the said period of three months to two months:*

*Repealed by
Stat. Law
Revision
(No. 2) Act,
1893.

**Be it therefore enacted, that—*

"Two months" shall be substituted for "three months" in the said section, and all references in the principal Act to the said three months shall be construed to refer to the said two months.

Amend-
ment of
32 & 33 Vict.
c. 56, s. 37,
as to ap-
proval of
Committee
of Council
on Educa-
tion to
schemes.

13. The Committee of Council on Education as soon as a scheme is submitted to them shall, before approving the same, cause the scheme to be published and circulated in such manner as they think sufficient for giving information to all persons interested, together with a notice stating that during one month after the first publication of such notice the Committee of Council on Education will receive any objections or suggestions made to them in writing respecting such scheme.

After the expiration of the said month the Committee of Council on Education may, if they think fit, approve the scheme or may remit the scheme, with such declaration as the nature of the case seems to them to require, to the Commissioners; and section forty of the principal Act, as to the proceedings where a scheme is remitted with a declaration, shall in such case apply.

The Committee of Council on Education as soon as they approve a scheme shall forthwith cause the scheme so approved to be published and circulated in such manner as they think sufficient for giving information to all persons interested, together with a notice stating that unless within two months after the publication of the scheme when approved a petition is presented in pursuance of the principal Act to Her Majesty in Council against the scheme, or such petition as in this section mentioned is presented to the Committee of Council on Education, such scheme may be approved by Her Majesty without being laid before Parliament.

During the said two months a petition praying that the scheme may be laid before Parliament may be presented to the Committee of Council on Education by the governing body of the endowment to which the scheme relates, or by

the council of any municipal borough directly affected by the scheme, or by any inhabitant ratepayers (not less than twenty) of any municipal borough or place directly affected by the scheme.

11. *Whereas, by section thirty-nine of the principal Act it is provided that Her Majesty may by order in Council refer any petition to Her Majesty in Council for the consideration and advice of five members at the least of her Privy Council, of whom two, not including the Lord President, shall be members of the Judicial Committee, and it is expedient to provide that such petition should be heard by persons of legal experience; Be it therefore enacted,

10 that—

Every *such petition to Her Majesty in Council in pursuance of section thirty-nine of the principal Act shall be referred to the Judicial Committee of Her Majesty's Privy Council in like manner as if it were an appeal from a court from which an appeal lies to Her Majesty in Council, and the Judicial Committee shall hear and deal with such petitions in like manner as such appeals, and shall have the same power with respect to the costs of parties to the petition and otherwise as they have with respect to any such appeal, and shall make to Her Majesty a report or recommendation thereon (the nature of which shall be stated in open court) in like manner as in the case of any such appeal.

Any power by the Supreme Court of Judicature Act, 1873, conferred on Her Majesty of directing that appeals which ought to be heard by the Judicial Committee shall be heard by the appellate branch of such Court shall, if Her Majesty in Council thinks fit so to direct, apply to petitions presented in pursuance of the said section thirty-nine in like manner as if they were appeals, and if either an Order in Council relating to other appeals or any separate Order in Council direct that such petitions be referred for hearing to and be heard by the appellate branch of the said Court, the same shall be referred to and heard by that branch of the Court accordingly.

30 15. If, at the expiration of the time for a petition to Her Majesty in Council against any scheme, no such petition has been presented, and no petition praying that the scheme be laid before Parliament has been presented in pursuance of this Act to the Committee of Council on Education, it shall be lawful for Her Majesty by Order in Council to declare her approbation of such scheme without the same being laid before Parliament.

If any such petition has been presented, the scheme shall be laid before both Houses of Parliament, and shall be so laid forthwith, if Parliament is then sitting, after the expiration of the time for the presentation of a petition to Her Majesty in Council, or (if a petition is presented to Her Majesty in Council 40 against the scheme) after any later date at which the petition is withdrawn, or Her Majesty in Council directs the scheme to be laid before Parliament, and if Parliament be not then sitting, shall be so laid within three weeks after the beginning of the next ensuing session of Parliament; and if such scheme has

Amendment
of 32 & 33
Vict. c. 56,
s. 39, as to
appeal to
Queen in
Council.

*Repealed by
Stat. Law
Revision
(No. 2) Act,
1893.

Repealed by
Stat. Law
Revision Act,
1883.

Laying of
schemes
before Par-
liament, and
approval of
Her Majesty
in Council.

lain before Parliament for not less than two months during the same session, then unless an address has been presented within such two months by one or other of the Houses of Parliament praying Her Majesty to withhold her consent from such scheme or any part thereof, it shall be lawful for Her Majesty by Order in Council to declare her approbation of such scheme or any part thereof to which such address does not relate.

Annual report.

16. The Commissioners shall make to the Committee of Council on Education in every year a report of their proceedings under the principal Act and this Act, and such report shall be laid before Parliament. Such report shall describe all schemes not laid before Parliament which have been approved 10 by Her Majesty during the year for which such report is made.

Continuance of powers of making schemes
Repealed 37 & 38 Vict. c. 87, s. 7.

17. *The power of making and approving a scheme under the principal Act as amended by this Act shall continue as respects unopposed schemes until thirty-first December one thousand eight hundred and seventy-four, and as respects schemes against which a petition shall have been presented to the Committee of Council on Education, as in this Act provided, until the fifteenth August one thousand eight hundred and seventy-four, and no longer.*

Graduate of any university of the United Kingdom, if otherwise fit, shall be held qualified where the statutes require the head master to be a graduate of Oxford or Cambridge.

Application of Act to schemes laid before Parliament during present session. Repealed by Stat. Law Revision Act 1883.

18. Whenever according to the rules, regulations, statutes, trusts, or constitution of any school, being an endowed school within the meaning of "The Endowed Schools Act, 1869," and with regard to which the said Commissioners are thereby empowered to make a new scheme, the head master or any other master is required to be a graduate of some specified university or universities, a graduate of any university of the United Kingdom having the degree which would be a qualification if it had been granted by one of the said specified universities, shall in future, if otherwise qualified, be eligible as such head master or other master. 20

19. *Where a scheme has been laid before Parliament during the present session, but has not at the expiration of such session lain for forty days before Parliament, and no address has been presented by either House of Parliament praying Her Majesty to withhold her consent from such scheme or any part thereof, the Committee of Council on Education may, if they think fit, cause to be published and circulated, in such manner as they think sufficient for giving information to all persons interested, a notice stating that unless within two months after the first publication of the notice such petition as is in this section mentioned is presented to the Committee of Council on Education such scheme may be forthwith approved by Her Majesty.* 30

During the said two months a petition praying that the scheme may lie before Parliament during two months as directed by this Act may be presented to the Committee of Council on Education by any governing body, council, or ratepayers, who would, if such scheme were approved by such Committee after 40 the commencement of this Act, be authorized by this Act to present a petition praying that such scheme may be laid before Parliament.

If no such petition is presented within the said two months it shall be lawful for Her Majesty by Order in Council to declare her approbation of such scheme in like manner as if it had lain for forty days before Parliament in accordance with the principal Act.

Any scheme to which this section applies and which is not approved by Her Majesty under this section shall continue to lie before Parliament, and the provisions of this Act shall apply in like manner as if such scheme had been laid before Parliament in pursuance of this Act.

20. *The principal Act is hereby repealed as from the commencement of this Act to the extent mentioned in the third column of the schedule to this Act: Provided, that this repeal shall not—*

- (a.) *Affect anything duly done or suffered under any enactment hereby repealed; or*
- (b.) *Affect any right, obligation, or liability acquired or incurred under any such enactment; or*
- (c.) *Affect any legal proceeding or remedy in respect of such right, obligation, or liability.*

Repeal.
Repealed by
Stat. Law
Revision Act
1883.

SCHEDULE.

A description or citation of a portion of an Act is inclusive of the words or other part first or last mentioned or otherwise referred to as forming the beginning or as forming the end of the portion comprised in the description or citation.

Repealed by
Stat. Law
Revision Act
1883.

<i>Session and Chapter.</i>	<i>Title.</i>	<i>Extent of Repeal.</i>
32 & 33 Vict. c. 56.	<i>The Endowed Schools Act, 1869.</i>	<i>Section thirty-seven down to "all persons interested," section thirty-nine from "Her Majesty by Order in Council may refer any such petition," down to "information for obtaining a scheme," and section forty-one, except as regards schemes which have lain for forty days before Parliament before the commencement of this Act.</i>

[37 & 38 VICT. CH. 87.]

Endowed
Schools Act,
1874.

AN ACT TO AMEND THE ENDOWED SCHOOLS ACTS.

[7th August 1874.]

Repealed by
Statute Law
Rev. (No. 2)
Act, 1893.*Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—**Transfer of Powers.*Transfer of
powers of
Endowed
Schools Com-
missioners
to Charity
Commis-
sioners.

1. **On and after the thirty-first day of December one thousand eight hundred and seventy-four all powers and duties by the Endowed Schools Acts vested in or imposed on the Endowed Schools Commissioners shall be transferred to and imposed on the Charity Commissioners, and, except as otherwise provided by this Act, shall be exercised and performed by the Charity Commissioners in like manner and form and subject to the same conditions, liabilities, and incidents respectively as such powers and duties have been exercised and performed by the Endowed Schools Commissioners, or as near thereto as circumstances permit.*

Repealed by
Stat. Law
Revision Act,
1883.

On and after the thirty-first day of December one thousand eight hundred and seventy-four the Commissioners, secretary, assistant commissioners, and other persons appointed and employed in pursuance of the Endowed Schools Acts shall cease to hold office.

Power to add
to Charity
Commis-
sioners.

2. Her Majesty **and her successors* may at any time **after the passing of this Act*, by warrant under her sign manual, from time to time appoint any number of persons not exceeding two to be paid Charity Commissioners for England and Wales and a person to be secretary in addition to the three paid Charity Commissioners and secretary capable of being appointed under the Charitable Trusts Acts, 1853 to 1869. The two additional Commissioners and additional secretary appointed in pursuance of this Act shall hold office during Her Majesty's pleasure, and their salaries shall, unless otherwise directed by Parliament, cease to be paid after the expiration of five years from the said thirty-first day of December one thousand eight hundred and seventy-four.

* Repealed by
Statute Law
Rev. (No. 2)
Act, 1893.

Save as in this section mentioned, the additional Commissioners shall have the same powers, perform the same duties, and stand in all respects in the same position as the other paid Charity Commissioners with the exception of the Chief Commissioner.

The **Commissioners of Her Majesty's Treasury* may allow the Charity Commissioners to employ such number of assistant commissioners, officers, and clerks as the **Commissioners of Her Majesty's Treasury* may think necessary for the purpose of enabling the said Charity Commissioners to perform the additional duties imposed upon them by this Act.



3. *There shall be repealed so much of the Charitable Trusts Acts, 1853 to 1869, as regulates the amounts of the salaries of the Commissioners, their secretary, and inspectors; and there shall be paid to the Commissioners, their secretary, or secretaries, assistant commissioners, inspectors, officers, and clerks, whether appointed under this Act or under the said Charitable Trusts Acts, out of moneys provided by Parliament, such salaries as the Treasury may from time to time determine: Provided that no decrease shall be made in pursuance of this section in the salary of any Charity Commissioner, secretary, inspector, officer, or clerk appointed before the passing of this Act under the said Charitable Trusts Acts, or any of them.*

Salaries of
Charity
Commis-
sioners and
their officers.
Repealed by
Stat. Law
Rev. Act,
1883.

Amendment of Law.

4. Any power by the Endowed Schools Act, 1869, vested in the Charity Commissioners, upon application made to them by the Commissioners under the said Act, may *after the said thirty-first day of December, One thousand eight hundred and seventy-four* be exercised by the Charity Commissioners of their own motion.

Exercise of
certain
powers by
Charity
Commis-
sioners.
Repealed by
Statute Law
Rev. (No. 2)
Act, 1893.

5. A scheme of the Charity Commissioners made in pursuance of the powers of this Act and the Endowed Schools Acts, or any of them, shall not be submitted to the Committee of Council on Education unless it has been approved 20 at a meeting of the Board at which there are present not less than three Commissioners (of whom one shall be the Chief Commissioner, or, in his absence from illness or unavoidable cause, such other Charity Commissioner as may for the time being be named by the Committee of Council on Education); in all other respects one Charity Commissioner may act under the Endowed Schools Acts as amended by this Act.

Quorum of
Commis-
sioners.

Miscellaneous and Repeal.

6. The powers of making schemes under the Endowed Schools Acts as amended by this Act shall continue in force for a period of five years from the said thirty-first day of December, One thousand eight hundred and seventy-four; 30 and during the continuance of such powers any court or judge shall not, with respect to any endowed school or educational endowment which can be dealt with by a scheme under this Act and the Endowed Schools Acts, or any of such Acts, make any scheme or appoint any new trustees without the consent of the Committee of Council on Education.

Continuance
of powers
transferred
to Charity
Commis-
sioners.

7. *On and after the said thirty-first day of December one thousand eight hundred and seventy-four the enactments set forth in the schedule annexed hereto shall be repealed to the extent to which such enactments are therein expressed to be repealed.*

Repeal of
Acts.
Repealed by
Stat. Law
Rev. Act
1883.

Provided that the repeal enacted in this Act shall not affect—

40 (1.) *Anything duty done under any enactment hereby repealed:*
(2.) *Any right or privilege acquired or any liability incurred under any enactment hereby repealed.*

Saving clause as to certain schemes. Repealed by Stat. Law Rev. Act, 1883.

8. Notwithstanding the seventeenth section of the Endowed Schools Act, 1873, any scheme which has before the passing of this Act been submitted by the Endowed Schools Commissioners to the Committee of Council on Education for approval may be proceeded with.

Provided, that with respect to every such scheme which has not been approved by the Committee of Council on Education before the passing of this Act, such Committee shall before approving the same cause such scheme, after the passing of this Act, and that notwithstanding any prior publication and notice, to be published and circulated in such manner as they think sufficient for giving information to all persons interested, together with a notice stating that during one month after the publication of such notice the Committee of Council on Education will receive any objections or suggestions made to them in writing respecting such scheme.

Definitions.

9. In this Act, so far as is consistent with the context, the expressions following have the meanings hereafter assigned to them; that is to say,

The expression "The Endowed Schools Acts" means the Endowed Schools Acts, 1869 and 1873:

The expression "The Endowed Schools Commissioners" means the Commissioners appointed in pursuance of the Endowed Schools Act, 1869:

Repealed by Statute Law Rev. (No. 2) Act, 1893.

Construction and short title.

Repealed by Statute Law Revision (No. 2) Act, 1883.

10. This Act, so far as consistent with the tenor thereof, shall be construed as one with the Endowed Schools Acts, as amended by this Act; and in the construction of the Endowed Schools Acts the expression "the Commissioners" shall, unless there is something in the context inconsistent therewith, *on and after the said thirty-first day of December One thousand eight hundred and seventy-four*, mean the Charity Commissioners; and this Act and the other Acts mentioned in this section may be cited together as the Endowed Schools Acts, 1869, 1873, and 1874, and this Act may be cited separately as "The Endowed Schools Act, 1874."

SCHEDULE.

Repealed by Stat. Law Revision Act, 1883.

ACTS PARTLY REPEALED on and after the thirty-first day of December one thousand eight hundred and seventy-four.

Session and Chapter.	Abbreviated Title.	Extent of Repeal.
32 & 33 Vict. c. 56.	<i>The Endowed Schools Act, 1869.</i>	<i>The first paragraph of section fifty-two, and the whole of sections thirty-one, forty-eight, and fifty-nine.</i>
36 & 37 Vict. c. 87.	<i>The Endowed Schools Act, 1873.</i>	<i>Section seventeen.</i>

[52 & 53 Vict., Ch. 40.]

AN ACT TO PROMOTE INTERMEDIATE EDUCATION IN WALES.

A D 1889.

[12th August, 1889.]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Preliminary.

1. This Act may be cited for all purposes as the Welsh Intermediate Education Act, 1889, and shall, so far as is consistent with the tenor thereof, be construed as one with the Endowed Schools Acts, and may be cited together with those Acts as the Endowed Schools Acts, 1869 to 1889. This Act shall come into operation on the first day of November next after the passing thereof, which day is in this Act referred to as the commencement of this Act.

Short title
and con-
struction.

2. The purpose of this Act is to make further provision for the intermediate and technical education of the inhabitants of Wales and the county of Monmouth.

Purpose of
Act.*Schemes for Intermediate Education.*

3.—(1.) It shall be the duty of the joint education committee as herein-after mentioned of every county in Wales and of the county of Monmouth to submit to the Charity Commissioners a scheme or schemes for the intermediate and technical education of the inhabitants of their county, either alone or in conjunction with the inhabitants of any adjoining county or counties, specifying in each scheme the educational endowments within their county which in their opinion ought to be used for the purpose of such scheme.

Schemes
by joint
educat on
committee.

(2.) A county council may recommend their committee to insert in such scheme a provision for a payment out of the county rate to an amount not exceeding that in this Act mentioned of the expenses of carrying into effect the scheme, or any particular part thereof, and such provision may accordingly, if it is thought fit, be inserted in the scheme.

30 (3.) Such scheme, if the Commissioners (after such examination or inquiry as mentioned in section thirty-two of the Endowed Schools Act, 1869) approve it, either without modification, or with such modifications as may be assented to by the joint education committee, shall be adopted and proceeded on by the Commissioners in the same manner as if it were a draft scheme originally prepared by themselves.

32 & 33 Vict.
c. 56.

(4.) If the scheme is not so adopted by the Commissioners, it shall be deemed to be a scheme prepared and submitted by a governing body to the Commissioners within the meaning of section thirty-two of the Endowed Schools Act, 1869, and shall be dealt with accordingly.

(5.) Where a county council recommend a payment out of the county rate a scheme may be made in pursuance of this Act, although there is no other endowment.

(6.) The Charity Commissioners may, if they think fit, accept a joint scheme from two or more joint education committees.

(7.) A joint education committee may, instead of submitting a scheme, submit to the Charity Commissioners proposals for a scheme, and such proposals may include, if so recommended by the county council, a payment out of the county rate ; and the Commissioners shall prepare a scheme for carrying into effect such proposals, either with or without modifications, but any modification ¹⁰ to which the joint education committee do not assent shall be struck out of the scheme, and the scheme as so prepared, with the omission of any modification to which the joint education committee do not assent, shall be deemed for the purposes of this section to be a scheme submitted by a joint education committee to the Charity Commissioners, and the Commissioners shall proceed accordingly.

Restrictions
on powers
of joint
education
committee.

4.—(1.) A joint education committee shall not without the assent of the county council direct by their scheme any contribution to be made out of the county rate exceeding the amount recommended by the county council.

(2.) Where any part of the expenses of the establishment or maintenance of a school or of scholarships attached thereto is to be defrayed out of the ²⁰ county rate a scheme relating to such school shall provide that the county council shall be adequately represented on the governing body of such school.

(3.) Where a scheme under this Act does not relate to a school maintained out of the endowment, or forming part of the foundation, of any cathedral or collegiate church, or where a scheme under this Act does not relate to any other educational endowment which by section nineteen of the Endowed Schools Act, 1869, is excepted from the foregoing provisions of that Act therein mentioned, such scheme shall, in addition to the provisions of section fifteen of the said Act, provide that no religious catechism or religious formulary which is distinctive of any particular denomination shall be taught to a scholar ³⁰ attending as a day scholar at the school established or regulated by the scheme, and that the times for prayer or religious worship or for any lesson or series of lessons on a religious subject shall be conveniently arranged for the purpose of allowing the withdrawal of a day scholar therefrom in accordance with the said section fifteen.

(4.) Where any power of appeal to the Queen in Council, or power to present a petition praying that a scheme may be laid before Parliament, is given by the Endowed Schools Acts to any persons or body of persons in relation to any endowment, a like power may be exercised by a county council required by the scheme to contribute a sum out of the county rate, or by a joint education committee in relation to any matter which has been introduced into the scheme against the wishes of the county council or committee, as the case may be, as expressed in objections sent in writing to the Charity Commissioners

before the scheme was submitted by those Commissioners for the approval of the Education Department.

Constitution and Powers of Joint Education Committee.

5. For the purposes of this Act there shall be appointed in every county in Wales and in the county of Monmouth a joint education committee of the county council of such county consisting of three persons nominated by the county council, and two persons, being persons well acquainted with the conditions of Wales and the wants of the people, preference being given to residents within the county for which such joint committee is to be appointed, 10 nominated by the Lord President of Her Majesty's Privy Council. Any vacancy in the joint education committee among the persons appointed by the county council may be filled up by the county council, and any vacancy among the persons nominated by the Lord President may be filled up by the Lord President.

Establish-
ment of joint
education
committee.

6.—(1.) Sub-sections one and two of section eighty-two of the Local Government Act, 1888, respecting the proceedings of committees of county councils, shall apply to proceedings of the joint education committee of a county council under this Act, but the acts and proceedings of the committee shall not be required to be submitted to the county council for their approval.

Transaction
of business
by and
proceedings
of joint
education
committee.

20 (2.) The county council shall make proper provision for enabling the committee to transact its business, and the clerk of the county council shall act as the clerk of the joint education committee. Any act of the committee may be signified under the hands of any three members thereof or under the hand of the clerk.

(3.) Any of the assistant commissioners of the Charity Commissioners shall be at liberty to attend any meeting of a joint education committee, and to take part in the proceedings, but shall not have a right to vote.

7.—(1.) Where a county council has recommended that any scholarship should be paid out of the county rate a scheme under this Act may contain 30 provisions to that effect.

Contributions
from county
rate.

(2.) Where a county council has recommended that any annual contribution should be made out of the county rate a scheme under this Act may direct the contribution so recommended or any less contribution to be made accordingly, and shall specify the persons to whom the contribution so directed to be made is from time to time to be paid.

(3.) The recommendation of a county council in respect of a contribution out of the county rate, and a scheme giving effect to such recommendation, may provide that such contribution shall be either a fixed annual sum, or an annual sum not exceeding a certain amount, such amount to be determined 40 annually in manner specified in the scheme.

(4.) The annual contribution to be paid to any school out of the county rate in pursuance of any scheme shall not exceed the amount stated in such scheme, but may be reduced by an amending scheme made on the application of the county council or of the governing body of such school.

Finance.

Expenses of county council. 8.—(1.) Where a scheme under this Act providing for a contribution out of a county rate comes into operation, the amount from time to time payable out of the county rate in pursuance of such scheme shall be paid by the county council out of the county fund.

(2.) That amount and any expenses otherwise incurred by a county council in pursuance of this Act shall be paid as general expenses of the county council. ¹⁰

(3.) The addition made to the county rate in any county for the purpose of defraying contributions for intermediate and technical education under this Act shall not in any year exceed one halfpenny in the pound, on the aggregate amount of the rateable value of the property in the county, as ascertained for the purpose of the levy of the county contributions.

(4.) Every increase of rate levied under this section shall, in all precepts for the levy thereof, be described as a separate item of rate, and when collected from the individual ratepayers shall be specified as a separate item of rate. ²⁰

Contribution from Treasury. 9.—(1.) The Commissioners of Her Majesty's Treasury shall annually out of moneys provided by Parliament pay in aid of each school aided by the county and subject to a scheme made under this Act such sums as hereinafter mentioned.

(2.) The sums to be so paid shall depend on the efficiency of the schools aided by the county, as ascertained by such annual inspection and report as may be required by the regulations from time to time made by the Treasury for the purposes of this section, and shall be of such amounts as may be fixed by those regulations, and shall be paid in manner provided by those regulations.

(3.) The aggregate amount of the sums paid by the Commissioners of Her Majesty's Treasury in any year in respect of the schools in any county shall not exceed the amount payable in that year in pursuance of this Act out of the county rate. ³⁰

(4.) The Treasury may from time to time make, and, when made, vary and revoke, regulations for the purposes of this section.

Power to Public Works Loan Commissioners to lend. 10. The purposes for which the governing body of a school may be authorised in pursuance of this Act to borrow money shall be purposes for which the Public Works Loan Commissioners may lend to such governing body.

Supplemental Provisions.

11. The powers conferred by this Act on a joint education committee shall not, unless Parliament otherwise directs, be exercised by the committee after the expiration of three years from the date of the commencement of this Act, and, during the continuance of the powers of the committee under this Act, all powers which otherwise might have been exercised by the Charity Commissioners of making, establishing, or submitting (independently of any scheme submitted by the joint education committee) a scheme for the administration of any educational endowments within the county of such committee, shall, except with the consent of the Education Department, be suspended, and 10 not be exercised by them in relation to such endowments. Nothing in this Act shall prevent any proceedings under the Endowed Schools Acts in relation to any scheme of which a draft has been prepared, published, and circulated before the commencement of this Act, in pursuance of sections thirty-two and thirty-three of the Endowed Schools Act, 1869, and such scheme may be proceeded with, submitted for approval, and come into operation as if this Act had not passed.

12.—(1.) An educational endowment within the county of a joint education committee means any educational endowment which is applied in the county or is appropriated for the benefit of the natives or inhabitants of the 20 county, or of some of such natives or inhabitants, or their children, or where the benefits of such endowment are divisible between two counties or between the counties in Wales and the county of Monmouth, or any of them, and any place outside of Wales and the county of Monmouth, then means so much of the endowment as the Charity Commissioners may determine to be applicable for the benefit of the county of the joint education committee.

(2.) Any school or endowment of a school to which section seventy-five of the Elementary Education Act, 1870, applies, and any endowed school to which section three of the Endowed Schools Act, 1873, applies, shall, if the school is in the county of a joint education committee under this Act, be for 30 the purposes of the Endowed Schools Acts and this Act an educational endowment and endowed school within the county of such committee.

13. For the purposes of any scheme under this Act every notice relating to the scheme shall be sent to the joint education committee concerned therein in like manner as if they were a governing body, and such committee shall, during the duration of their powers under this Act, have the same power of applying to the Charity Commissioners with respect to any educational endowment within their county as if they were the governing body of that endowment. Nothing in this Act shall authorise the making of any scheme interfering with—

40 (1.) Any endowment given either by present gift made subsequently to the passing of the Endowed Schools Act, 1869, or by the will of a testator who died subsequently to the passing of the said Act, unless the founder or governing body of such endowment assents to the scheme.

Duration of powers of joint education committee, and suspension of powers of Charity Commissioners.

Description of endowments applicable to purpose of Act.

33 & 34 Vict. c. 75.
36 & 37 Vict. c. 87.

Construction of Act in relation to endowments applicable to purposes thereof.

In the case of an endowment or part of an endowment given either by present gift made subsequently to the passing of the Endowed Schools Act, 1869, or by the will of a testator who died subsequently to the passing of the said Act, sections twenty-five and twenty-six of the said Act shall for the purposes of a scheme under this Act, and subject to the provisions of this Act, apply in like manner as if the same and any older endowment or part of an endowment were respectively in the said sections substituted for an endowment or part of an endowment originally given to charitable uses less or more than fifty years before the commencement of the said Act.

Exemption
of schemes
from certain
provisions of
Endowed
Schools Acts.

14. Nothing in the Endowed Schools Acts which is inconsistent with any of the provisions of this Act shall apply in the case of any scheme under this Act, but subject to this enactment the powers conferred by this Act shall be in addition to, and not in derogation of, the powers under the said Act. 10

Report by
Charity Com-
missioners.

15. The Charity Commissioners shall in every year cause to be laid before both Houses of Parliament a report of the proceedings under this Act during the preceding year.

Application
of Act to
counties
and county
boroughs,
51 & 52 Vict.
c. 41.

16.—(1.) In this Act the expression "county" means an administrative county as defined in the Local Government Act, 1888, and includes a county borough within the meaning of that Act; and the expression "county council" includes the council of a county borough. 20

(2.) Any sums payable by the council of a county borough in pursuance of this Act shall be paid out of the borough fund or borough rate.

General
definitions.

17. In this Act unless there is something in the context inconsistent therewith—

The expression "intermediate education" means a course of education which does not consist chiefly of elementary instruction in reading, writing, and arithmetic, but which includes instruction in Latin, Greek, the Welsh and English language and literature, modern languages, mathematics, natural and applied science, or in some of such studies, and generally in the higher branches of knowledge, but nothing in this Act shall prevent the establishment 30 of scholarships in higher or other elementary schools;

The expression "technical education" includes instruction in—

- (i.) Any of the branches of science and art with respect to which grants are for the time being made by the Department of Science and Art;
- (ii.) The use of tools, and modelling in clay, wood, or other material;
- (iii.) Commercial arithmetic, commercial geography, book-keeping, and shorthand;
- (iv.) Any other subject applicable to the purposes of agriculture, industries, trade, or commercial life and practice, which may be specified in a scheme, or proposals for a scheme, of a joint education 40 committee as a form of instruction suited to the needs of the district;

but it shall not include teaching the practice of any trade, or industry, or employment.

The expression "Endowed Schools Acts" means the Endowed Schools Acts, 1869, 1873, and 1874; 32 & 33 Vict.
c. 56.
36 & 37 Vict.
c. 87.
37 & 38 Vict.
c. 87.

The expression "Education Department" means the Lords of the Committee of Her Majesty's Privy Council on Education;

The expression "Charity Commissioners" means the Charity Commissioners for England and Wales;

The expression "scholarship" includes exhibition or other educational ¹⁰ emolument;

The expression "parent" includes guardian and every person who is liable to maintain or has the actual custody of a child;

The expression "scheme under this Act" means a scheme under the Endowed Schools Act as amended by this Act.

In the Matter of THE FUNDS APPLICABLE TO THE INTERMEDIATE AND TECHNICAL EDUCATION OF THE INHABITANTS OF THE COUNTY BOROUGH OF SWANSEA.

In the Matter of THE FREE GRAMMAR SCHOOL IN SWANSEA.

In the Matter of THE WELSH INTERMEDIATE EDUCATION ACT, 1889.

In the Matter of THE LOCAL TAXATION (CUSTOMS AND EXCISE) ACT, 1890,

AND

In the Matter of THE ENDOWED SCHOOLS ACT, 1869, and Amending Acts.

JOINT APPENDIX.

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